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OF THE

COMMONWEALTH OF KENTUCKY

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Begun on the Fifth Day of January, 1954, and Adjourned Sine Die on the Nineteenth Day of March, 1954

PROPERTY OF THE COMMONWEALTH OF KENTUCKY

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PRINTERS TO THE COMMONWEALTH OF KENTUCKY
LOUISVILLE, KENTUCKY

TUESDAY, MARCH 9, 1954

Section 2. Subsection (1) of Section 205.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) On or after July 1, 1952, the Commonwealth shall have a lien upon the real estate and rights to real estate belonging to, or thereafter acquired by, any recipient of public assistance as a needy aged or needy blind; except that such lien shall not apply to the first eighteen hundred dollars of such property. The lien shall become effective upon the first payment of assistance to the recipient, after June 19, 1952, and shall be cumulative and shall include all amounts paid to the recipient. The lien shall continue until it is satisfied, or become unenforceable.

By Mr. Walsh.

H. B. No. 510. AN ACT providing that public offices in counties containing a city of the first class may be closed on Saturday, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created a new section of the Kentucky Revised Statutes which shall read as follows:

Public offices in counties containing a city of the first class may, in their discretion, close all day Saturday.

By Mr. Caudill.

H. B. No. 511. AN ACT proposing an amendment to the Constitution of Kentucky relating to the issuance and sale of state

bonds to provide for the payment of a bonus to veterans of World War I and World War II.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended by the ratification of a new section, to read as follows:

The General Assembly shall by law provide for the issuance and sale of bonds of the Commonwealth, not to exceed in the aggregate ninety million dollars notwithstanding the limitation of indebtedness in Section 49 or any other section of the Constitution of Kentucky, which shall be in addition to all other bonds of the Commonwealth heretofore authorized. The proceeds of such additional bonds, or so many thereof as may be necessary for the purpose, shall be used and appropriated solely for the purpose of paying a cash bonus to the veterans of World War I and World War II who were residents of the Commonwealth at the time of their entry into the service and at least six months prior thereto. Such bonus shall be paid to all persons who rendered active service in the armed forces of the United States in World War I between the sixth day of April, one thousand nine hundred seventeen, and the eleventh day of November, one thousand nine hundred eighteen, both dates inclusive, or in World War II between the seventh day of December, one thousand nine hundred forty-one, and the second day of September, one thousand nine hundred forty-five, both dates inclusive, who were not dishonorably discharged from such forces, and who, within the periods specified, actively served in such armed forces for a period of at least ninety days. Such bonus shall also be paid to any disabled veteran, otherwise qualified, who was discharged within ninety days after entering the services because of a service connected disability.

The amount of such bonus shall be calculated on the basis of ten dollars for each month, or major fraction thereof, served within the territorial limits of the forty-eight states and District of Columbia, and fifteen dollars for each month or

major fraction thereof served outside such limits, but such amount shall in no case exceed three hundred dollars for those who served only within the territorial limits specified, and four hundred dollars for those who served outside such limits.

The bonus to which any deceased veteran would be entitled if living, shall be paid only to his unremarried widow, or if none, his child or children under the age of sixteen, or if none, any dependent parent or parents.

Whenever the General Assembly shall provide for the issuance of any bonds under the authority of this amendment, it shall at the same time provide for the levy and collection of an additional cigarette tax, or an additional tax on non-intoxicating beer, or an additional tax on the sale of wine and liquor, or an additional general consumers sales tax, or a graduated income tax, or an additional tax on soft drinks, or a tax on horse racing, or any two or more thereof in such amount as may be required to pay annually the interest of such bonds and the principal thereof within and not exceeding thirty years.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

By Mr. Caudill, Mr. Kearby, Mr. Edmonds, Mr. Newsom, Mr. Craig, Mr. Marcum, Mr. Holt, Mr. Harralson, Mr. Reynolds, Mr. Blue, Mr. McClanahan, Mr. McFadden, Mr. Dempsey, Mr. Hill, Mr. Saylor, Mr. Stumbo.

H. B. No. 512. AN ACT relating to claims against the estates of persons who have been paid public assistance, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 205.260 of the Kentucky Revised Statutes is amended to read as follows:

Upon the death of any person whose estate is appraised at more than one thousand dollars and who has been paid public

assistance as a needy aged or needy blind person, the state shall have a claim against the estate of the deceased for all amounts of public assistance paid to him or on his behalf. Any claim pending on the effective date of this Act against the estate of a person whose estate at the time of his death was appraised at one thousand dollars or less is hereby dishonored. The claim shall have priority over all unsecured claims against such estate except the burial expenses of the decedent, the cost of administration of his estate, and the cost of his last illness. The claim shall be filed against the estate of the deceased person in the same manner as other claims are filed against decedents estates.

Section 2. Subsection (1) of Section 205.270 of the Kentucky Revised Statutes is amended to read as follows:

The Commonwealth of Kentucky shall have a lien upon all real estate appraised at more than one thousand dollars and all rights to real estate appraised at more than one thousand dollars belonging to or acquired by any recipient of public assistance as a needy aged or needy blind. The lien shall become effective upon the first payment of assistance to the recipient, and shall be cumulative, and shall include all amounts paid to the recipient. The lien shall continue until it is satisfied, or become unenforceable.

Mr. Lowman moved that the House adjourn until 1:00 P. M. Wednesday, March 10, 1954.

Said motion was agreed to.

And the House did then adjourn.

WEDNESDAY, MARCH 10, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend Edward Tullis, Pastor of the First Methodist Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Lowman moved that the reading of the Journal of the

proceedings of Tuesday, March 9, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Helm moved that the rules of the House be suspended for the purpose of hearing a musical number by a quartet from Georgetown College, viz: Miss Carolyn Lunsford, of Versailles, Miss Margaret Hollan, of Owensboro, Miss Carolyn Chick, of Beaver Dam and Miss Martha Milton, of Owensboro.

Said motion was agreed to.

Mr. Brown moved that Leroy Wilson, Jeannie Rees, William Crosby and Gaynelle Vance be made honorary pages.

Said motion was agreed to.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Craig.

H. Res. No. 94. A RESOLUTION lauding Frank Selvy, seeking employment for him in Kentucky, and proclaiming March 9th as a day in his honor.

Said resolution is as follows, viz:

WHEREAS, young Mr. Frank Selvy, as a member of the Furman University basketball team at Greenville, South Carolina, has just ended the most fabulous basketball career ever recorded in the annals of major collegiate athletics and reaped the laurels of the nation by shattering not one or two, but every major scoring record in the book; and

WHEREAS, Frank Selvy knew what he wanted, and by hard work, grit and determination he achieved a virtually impossible task, and it overwhelms one when you stop and think just how difficult this task was, as thousands upon thousands of young men from every state in the Union and for a period of several years have been laboriously trying to achieve this "grand slam" in basketball, but one by one they had failed because of the lack of ability, desire and determination; and

WHEREAS, ever since 1792 Kentuckians have been famous the nation over for their superior marksmanship; and

WHEREAS, at first their targets were primarily turkey and fowl, but for the past quarter of a century (which we could easily label the "RUPP-DIDDLE" era) - the basketball hoop has been the number one target, and therefore, the name of Frank Selvy should be placed along side that of Daniel Boone, Adolph Rupp, and Ed. Diddle; and

WHEREAS, in addition to his bombardment of the basketball hoops with amazing and incredible accuracy, Frank Selvy maintained a high scholastic and social standing, and in spite of the fame bestowed upon him, remained the same modest and friendly young Kentuckian who entered Furman University as an unheralded freshman, and who was voted by his fellow students their president of the senior class; and

WHEREAS, we in Kentucky lost his services as a basketball player for one of our collegiate institutions—through no fault of anyone in particular—and we now see that this was a drastic mistake; and

WHEREAS, the old saying goes, "where there's a will there's a way," and Frank Selvy has the will, let's show him the way, back home;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. Be it resolved that the citizens of the Commonwealth do not wish to make another mistake by losing Frank Selvy's services as a citizen of Kentucky. We owe this boy an apology, therefore let's make every effort to express our sentiments in the form of an attractive position of employment within the boundaries of this state. South Carolinians have a tender spot in their hearts for this boy and they, no doubt, will go all out to retain him as a citizen. It would be unpardonable for us to now neglect our collective duty to at least present him with an opportunity to apply his ability and his desire and determination to succeed, within and for the good of Kentucky.

We are sure that the native pride of Kentuckians will not permit this to happen.

Section 2. It is hereby proper and fitting that we, the House of Representatives of the Commonwealth of Kentucky, do this 9th day of March, 1954 officially resolve this a day of recognition in behalf of a native Kentuckian who has brought much honor to his home state and to his home town of Corbin, Kentucky.

By Mr. Ockerman.

H. Res. No. 95. A JOINT RESOLUTION authorizing the representative of Ulysses G. Sparks, deceased, Beulah Sparks, and the guardian of Carol Sparks, Barbara Sparks and Junior Sparks to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the personal representative of Ulysses G. Sparks, deceased, Beulah Sparks, and the guardian of Carol Sparks, Barbara Sparks and Junior Sparks, be and they are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate them for the injuries and damages, if any, sustained by them as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, their agents, officers and employes, in maintaining the right of way of Cane Run Road and North Broadway Extended, U.S. Highways No. 27 and 68, in Fayette County, Kentucky.

Section 2. Said suit by the personal representative of Ulysses G. Sparks, deceased shall be for a sum not in excess of $50,000.00; said suit by Beulah Sparks shall be for a sum not in excess of $25,000.00; said suit by the guardian of Carol Sparks shall be for a sum not in excess of $10,000.00; said suit by the guardian of Barbara Sparks shall be for a sum not in

excess of $10,000.00, and said suit by the guardian of Junior Sparks shall be for a sum not in excess of $10,000.00.

Section 3. That the actions herein authorized and permitted may be brought in the Fayette Circuit Court, same being the Circuit Court having jurisdiction in Fayette County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Fayette Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced in evidence, nor commented upon by counsel in argument to the jury.

By Mr. Maglinger.

H. B. No. 513. AN ACT relating to school districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Upon a majority vote of its legal voters any third-class or fourth-class city which is now or may become a part of a county school district may withdraw from the county school district of which it is a part and become an independent school district. When an independent school district is created under the provisions of this Act it shall be governed by and operated under the provisions of the school laws applying to all independent school districts.

Section 2. The election provided for in this Act shall not be called except upon a petition of thirty percent of the legal voters residing in the third-class or fourth-class city to be affected by the proposition. The petition shall be filed with the county board of education, and it shall be the duty of the county board of education to call an election upon the proposition within sixty days after the filing of the petition, provided that such an election shall not be held within thirty days before nor within thirty days after any primary or general election. The election shall be conducted in the same manner as are other school elections and the cost shall be apportioned in the same manner.

Section 3. If a majority of the votes cast at the election are in favor of the proposition, the fact shall be certified immediately by the parties conducting the election to the State Board of Education and to the Governor.

Section 4. If a favorable vote upon the proposition is cast more than ninety days before the beginning of a school year, the operation of the district shall become effective at the beginning of such school year. Otherwise, the operation of the district shall not become effective until the beginning of the following school year.

Section 5. The five members of the board of education of the newly created district shall be appointed by the Governor. The terms of two of the members so appointed shall end at the next school election at which school board members of independent school districts are elected, and the terms of the remaining three members shall expire at the next election of members of independent school districts. When the terms of the members thus appointed expire their successors shall be elected in the same manner as in other independent school districts embracing cities of the third-class or fourth-class.

Section 6. In the event school property is located in the limits of the territory of an independent district created under this Act, it shall be the duty of the board of the newly created district and the county board of education of the district which formerly embraced the new district to allocate the property between the two districts. In making the allocation consideration

shall be given to the ratio of the population and wealth of the county school districts prior to the creation of the new district. An equitable apportionment shall be made also of any outstanding indebtedness on the same basis. In the event the two school boards cannot agree upon a division of the school property referred to in this section, the question shall be submitted by petition of either or both of the parties to the circuit court for adjudication under the Declaratory Judgment Act. Either party may appeal from the ruling of the circuit court to the Court of Appeals.

By Mr. Hobart Rayburn and Mr. Wathen.

H. B. No. 514. AN ACT relating to chattel mortgages.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of Kentucky Revised Statutes is created to read as follows:

A chattel mortgage to be effectual against purchasers without notice, or creditors, shall be recorded in the county clerk's office in the manner and subject to the conditions set out in KRS 382.670.

By Mr. Weintraub and Mr. Fitzpatrick.

H. B. No. 515. AN ACT relating to bridge tolls in second-class cities providing for conveyances of bridges to bridge commissions, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 181.780 of the Kentucky Revised Statutes is amended to read as follows:

When the principal and interest on the particular bonds issued for a bridge have been paid or a sufficient amount has been provided and is being held for their payment, the commission may apply tolls to the maintenance and operation of such

bridge, the building of additional bridges, or the tolls may be paid into the general fund of the city.

Section 2. Where cities of the second class adjoin but are in different counties, the bridge commissions of the adjoining cities may act together in carrying out any bridge project and in order to effectuate such purpose, may combine two or more bridges into a single bridge project.

Section 3. The Department of Highways may convey to any bridge commission any bridge under the jurisdiction and control of the Department without payment to the Department therefor, or upon such terms and conditions as the department and bridge commission may agree upon. After such conveyance the department shall be relieved of any further responsibility for, or control of, any bridge so conveyed.

By Mr. McCallum.

H. B. No. 516. AN ACT relating to motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No new motor vehicles, as such term "vehicle" is defined by part (a) of subsection (7) of Section 186.010 of the Kentucky Revised Statutes, shall be sold in the Commonwealth of Kentucky unless the vendor shall have first equipped such motor vehicle with mechanically operated turn signal devices.

Section 2. Any person who violates Section 1 of this Act shall be fined not less than fifty nor more than one hundred dollars.

COMMITTEE REPORTS

Mr. Burnley, Chairman of the Committee on Rules, to which same had been referred, reported favorably bills and resolutions of the following titles, viz:

H. Res. No. 82. A JOINT RESOLUTION directing the Commissioner of Highways to name a principal highway of the

Commonwealth the 149th Infantry Regiment Memorial Highway, to place suitable placques thereon, and to designate such highway on highway maps.

H. Res. No. 91. A JOINT RESOLUTION providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly, etc.

H. Res. No. 92. A JOINT RESOLUTION providing for the payment of compensation for the benefit of officers and employes of the Senate, House of Representatives, and the Statute Revision Commission for services rendered in connection with and related to the present session of the General Assembly, and declaring an emergency.

H. B. No. 507. AN ACT relating to motor transportation and motor vehicles.

H. B. No. 349. AN ACT relating to collection of taxes upon the property in any fire protection district, etc.

H. B. No. 506. AN ACT relating to the establishment of an electrical inspection board.

H. B. No. 510. AN ACT providing that public offices in counties containing a city of the first class may be closed on Saturday and adding a new section to the Kentucky Revised Statutes.

S. B. No. 175. AN ACT relating to authorized investment of trust funds; providing for accounting of profits; etc.

S. B. No. 226. AN ACT relating to the number of retail package liquor licenses and retail drink licenses permitted in cities of the first class.

S. B. No. 227. AN ACT relating to location of retail package liquor and retail drink licenses in cities of the first class.

S. B. No. 210. AN ACT relating to metropolitan sewer districts and the construction of sanitary sewers at cost of benefitted property in such district.

H. B. No. 348. AN ACT relating to pawnbrokers.

H. B. No. 353. AN ACT relating to detectives in counties containing a city of the second class.

H. B. No. 430. AN ACT relating to parental permission for minors under eighteen years of age to play pool, etc.

H. B. No. 359. AN ACT relating to Workmen's Compensation.

H. B. No. 82. AN ACT relating to the obtaining of credit for merchants.

Whereupon said bills and resolutions were read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. R. No. 33. A JOINT RESOLUTION creating a Tax Planning Committee to make a study, survey and report concerning any necessary revision of the tax structure of the Commonwealth and of the sources of revenue presently available to the Commonwealth; providing for the furnishing of assistance and facilities by the Legislative Research Commission; and making an appropriation.

S. B. No. 162. AN ACT relating to statute revision and related legislative services.

S. B. No. 163. AN ACT relating to administrative regulations.

S. R. No. 13. A JOINT RESOLUTION authorizing and directing payment of a claim of the Louisville Sand and Gravel Company.

S. R. No. 17. A JOINT RESOLUTION authorizing Margaret Ann Minix as Administratrix of the estate of W. T. Stafford, Sr. to sue the Commonwealth of Kentucky.

S. R. No. 18. A JOINT RESOLUTION authorizing the personal representative of the estate of Glinnis Louise Ezell,

deceased, William Ezell, Mary Skinner, and the statutory guardian of Barbara Skinner, an infant, to sue the Department of Kentucky State Police and the Commonwealth of Kentucky, or either and declaring an emergency.

S. R. No. 22. A RESOLUTION authorizing Nannie Mae Kelly and her husband, Herbert Kelly, to sue the Commonwealth of Kentucky and the State Fair Board, or either of them.

S. R. No. 23. A JOINT resolution authorizing Carl William Riedling, a resident of Eddyville, Lyon County, Kentucky, to sue the Commonwealth of Kentucky, the Kentucky Department of Welfare, and the Kentucky State Penitentiary at Eddyville, Kentucky, or any one or more of them.

S. R. No. 29. A JOINT RESOLUTION authorizing Thomas Milton Durham, an Infant, by His Father and Next Friend, W. W. Durham, or His Successor as Next Friend or Guardian to Sue the Commonwealth of Kentucky and the Department of Highways of the Commonwealth of Kentucky, or Either.

S. R. No. 39. A JOINT RESOLUTION authorizing Howard A. See, guardian of Garred C. See, an infant, and A. T. See, father of Garred C. See, an infant, to sue the Department of Highways and the Commonwealth of Kentucky, either or both.

H. B. No. 151. AN ACT relating to rabies control and making an appropriation therefor.

S. B. No. 187. AN ACT relating to the preservation of bank records.

S. B. No. 131. AN ACT relating to apiaries, amending Subsection (1) of Section 252.220 of the Kentucky Revised Statutes.

H. B. No. 244. AN ACT relating to the levy and assessment of property taxes and amending Section 132.200 of the Kentucky Revised Statutes.

H. B. No. 467. AN ACT relating to establishment of public street lighting districts.

H. B. No. 481. AN ACT providing for a tax on greyhound racing and providing how said tax shall be levied and collected and providing the means and method of levying and collecting same, etc.

H. B. No. 501. AN ACT relating to utilities in cities of the third class, and amending Section 96.182 and 96.184 of the Kentucky Revised Statutes.

S. B. No. 178. AN ACT relating to police courts, amending subsection (5) of section 26.530 of the Kentucky Revised Statutes.

H. B. No. 499. AN ACT relating to penalty for neglect of child, and amending subsection (1) of Section 405.990 of the Kentucky Revised Statutes.

By way of Committee Substitute, attached thereto.

H. B. No. 222. AN ACT relating to public health.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills and resolutions be read for the second time by their titles only.

Said motion was agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. Burnley, Chairman of the Rules Committee, reported bills and resolutions of the following numbers, viz:

House Bills 150, 315, 485, 486, 487, 490, 491, 492, 494,496, 391, 317; House Resolutions 73, 74, 85, 93, 77, 69; Senate Resolutions 20, 56.

As the Orders of the Day for consideration by the House.

The House took up for consideration from the Clerk's desk a bill of the following title, viz:

H. B. No. 104. AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky, relating to the exemption of property from taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 170 of the Constitution of Kentucky be amended so as to read as follows:

There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education, public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; household goods and other personal property of a person with a family, not exceeding two thousand five hundred dollars in value; crops grown in the year in which the assessment is made, and in the hands of the producer; and all laws exempting or committing property from taxation other than the property above mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

With first and second Committee Substitutes attached thereto.

Mr. Lowman moved the adoption of the Second Committee Substitute, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 170 of the Constitution of Kentucky be amended so as to read as follows:

There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education, public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; household goods of a person with a family; crops grown in the year in which the assessment is made, and in the hands of the producer; and all laws exempting or committing property from taxation other than the property mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

Said motion was agreed to.

Said Second Comimttee Substitute adopted.

Mr. Ockerman offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, section 1, line 18 of Second Committee Substitute for H. B. No. 104 by striking the words "with a family" and substituting therefor the following words: "used in his home"

Said motion was agreed to.

Said amendment adopted.

Mr. Ockerman moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles W. Craig	George H. Lovelace
Walter J. Bailey	W. Marvin Davis	Harry King Lowman
John Rhea Banton	C. E. Dowell	Ralph E. McClanahan
Clarence J. Barnum	Herbert Fern	William E. Maglinger
Wallace Bartley	Thomas P. Fitzpatrick	Damon Majors
Charles E. Baumgardner, Sr.	Cabell D. Francis	William C. Mann
Owen Billington	W. L. Hadden	William J. Marcum
J. Murray Blue	C. Ruby Harralson	George R. Martin
J. C. Bradley	Harold G. Helm	Carl D. Melton
Edward T. Breathitt, Jr.	Estill R. Hilton	Alton B. Mitchell
Edward O. Bridgers	Chester J. Holsclaw	Robert K. Montgomery
William J. Conley	Varna Holt	Walter R. Moorman
R. Josh Cosby	William M. Horn	Fred Morgan
Vernor O. Cottengim	William L. Jones	Thomas J. Murphy
	James W. Lambert	
	Talmage Lacy	

Goebel W. Newsom, Jr.	Robert Reid	Will Tom Wathen
Foster Ockerman	William A. Routh	W. W. Webster
Louis T. Peniston	Cecil C. Sanders	Morris Weintraub
Edward D. Pollitte	LeRoy Saylor	Mrs. Randolph Wilson
Roger E. Qualls	Mrs. Thelma L. Stovall	T. D. Winstead
Paul T. Ratcliffe	C. Waitman Taylor	Charles W. Wirsch
Jack Raybourne, Jr.	James Treadway	Walker H. Wiseman
Hobart Rayburn	Eulick Walsh	Dr. Clyde D. Wooton

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Those who voted in the negative were—

Leo A. Bleemel	Albert Dempsey	Shelby McCallum
John Young Brown	Harold Edmonds	Russell Reynolds
Harry M. Caudill	David Heskamp	W. R. Smith
Paul Cobb	Lon C. Hill	E. H. Stumbo
John L. Day	Jennings H. Kearby	Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Ockerman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Mr. Hill and Mr. Day having requested roll call, the yeas and nays were taken as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	R. Josh Cosby	William L. Jones
Walter J. Bailey	Vernor O. Cottengim	Talmage Lacy
John Rhea Banton	W. Marvin Davis	Harry King Lowman
Clarence J. Barnum	C. E. Dowell	Ralph E. McClanahan
Charles E. Baumgardner, Sr.	Herbert Fern	Caleb McFadden
Owen Billington	Thomas P. Fitzpatrick	William C. Mann
J. C. Bradley	Cabell D. Francis	George R. Martin
Edward T. Breathitt, Jr.	W. L. Hadden	Robert K. Montgomery
Edward O. Bridgers	C. Ruby Harralson	Walter R. Moorman
Cassius M. Clay	Harold G. Helm	Thomas J. Murphy
William J. Conley	Chester J. Holsclaw	Goebel W. Newsom, Jr.
	Varna Holt	
	William M. Horn	

Foster Ockerman	Cecil C. Sanders	W. W. Webster
Louis T. Peniston	Mrs. Thelma L. Stovall	Morris Weintraub
Edward D. Pollitte	C. Waitman Taylor	Mrs. Randolph Wilson
Paul T. Ratcliffe	James Treadway	T. D. Winstead
Jack Raybourne, Jr.	Eulick Walsh	Charles W. Wirsch
Hobart Rayburn	Will Tom Wathen	Walker H. Wiseman
Russell Reynolds		
William A. Routh		

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Those who voted in the negative were—

Wallace Bartley	Harold Edmonds	William J. Marcum
John Young Brown	David Heskamp	Carl D. Melton
Harry M. Caudill	Lon C. Hill	Robert Reid
Paul Cobb	Jennings H. Kearby	LeRoy Saylor
John L. Day	Shelby McCallum	W. R. Smith
Albert Dempsey	William E. Maglinger	E. H. Stumbo
O. O. Duncan		Paul E. Young

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Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in that body as follows, viz:

S. B. No. 151. AN ACT relating to planning and zoning commissions in cities of the second class, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 100.330 of the Kentucky Revised Statutes is hereby amended to read as follows:

The commission shall be composed of four ex officio members, who shall be the mayor and the officer charged with the administration of public works of such city and the county judge and the road engineer of such county or a member of the fiscal court appointed by the county judge if there is no road engineer in such county, and six appointed members, three

of whom shall be appointed by the mayor of such city and three of whom shall be appointed by the county judge of such county. The three members appointed by the mayor shall reside within the corporate boundaries of such city. The three members appointed by the county judge shall reside in that portion of the county lying outside of the corporated boundaries of such city. The appointment of members shall be made immediately upon this Act becoming effective. No appointed member shall hold any other public office or position. The terms of office of ex officio members shall correspond to their respective official tenures. The term of office of each of the appointed members shall be three years. Upon the expiration of the term of office of any appointed member, his successor shall be appointed within five days by the mayor or the county judge, as the case may be. Vacancies occuring otherwise than through expiration of term of office shall be filled for the unexpired term only by the mayor or county judge, as the case may be. The members of the commission shall qualify, before entering upon their duties, by taking the oath of office before the county judge of the county court of such county. An appointed member may be removed by the mayor or county judge, as the case may be, for inefficiency, neglect of duty, malfeasance or improper conduct. The mayor or county judge shall file with the commission a written statement setting forth the reasons for such removal. All members of the commission shall serve without compensation.

S. B. No. 173. AN ACT relating to county, quarterly and justices' courts, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 25.470 of the Kentucky Revised Statutes is amended to read as follows:

The judge of the quarterly court shall keep a record of all of his official acts out of term time, and shall keep a docket order book and execution book, and shall fix a rule day for the return of process, and he shall, upon the payment of fines and forfeitures into the quarterly court, prepare a receipt in

triplicate such receipts to be prepared in numbered sequence for the full amount paid into his court in each case, giving the full name and post office address of the person paying the fine or forfeiture. One copy of the receipt shall be given to the person paying the fine or forfeiture into court, one copy shall be retained by the judge to be filed with the circuit court when he reports the fines and forfeitures paid into his court, and the third copy mailed to the State Auditor. Each receipt in the receipt books shall be numbered consecutively and all must be accounted for. Record books as well as receipt books shall be paid for by the county.

Section 25.660 of the Kentucky Revised Statutes is amended to read as follows:

(1) Justices' courts are courts of record. Each justice shall keep an order book and an execution book, to be paid for by the county. He shall keep in it a full and fair record of his judicial proceedings, and sign it at the end of each term. The book shall be kept properly indexed. Each justice shall give to any person requesting it a certified copy of any record in his custody, and the copy shall be admissible in evidence.

(2) Each justice shall, upon the payment of fines and forfeitures into his court, prepare a receipt in duplicate for the full amount paid into his court in each case, giving the full name and post office address of the person paying the fine or forfeiture. One copy of the receipt shall be given to the person paying the fine or forfeiture, and the other copy shall be retained by the justice to be filed with the circuit court when he reports the fines and forfeitures paid into his court. Each receipt in the receipt books shall be numbered consecutively and all must be accounted for. The receipt books shall be paid for by the county.

S. B. No. 188. AN ACT relating to dairying; etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Board" means the State Board of Agriculture;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(3) "Department" means the Department of Agriculture, Labor and Statistics;

(4) "Division" means the Division of Dairying;

(5) "Committee" means the State Dairy Committee;

(6) "Director" means the Director of the Division of Dairying of the Department of Agriculture, Labor and Statistics;

(7) "Buyer" includes any person, partnership, corporation, association, organization or concern, who receives milk or cream from producers and pays for it on the basis of amount, weight or test; except that it does not include such persons buying milk or cream for their own consumption;

(8) "Buy," "Buying" or "Bought" means the purchase of non-packaged milk or cream from producers on the basis of amount, weight or tests;

(9) "Milk Tester" includes any person who tests milk or cream bought by buyers from producers, except those who test in connection with the milk-testing program of a regularly constituted health agency, to determine the constituents or quality of such milk or cream and uses, or submits for use, these tests in determining the price paid for it;

(10) "Sampler and Weigher" includes any person who samples and weighs milk or cream purchased by buyers from producers;

(11) "License to Buy" means the license issued under this Act to buyers of milk or cream purchased from producers on the basis of its volume, weight or test;

(12) "License to Test" means the license issued to milk and cream testers according to the provisions of this Act;

(13) "License to sample and weigh" means the license issued to samplers and weighers according to the provisions of this Act;

(14) "Producer" means any person, partnership, corporation, association, organization, or concern, who keeps milch-cows and takes from them milk which he sells or from which he separates the cream and sells;

(15) "Buying Location" means each separate business place where non-packaged milk or cream is purchased, such as cream buying station, milk receiving station, milk plant, creamery, cheese factory, condensery or ice cream factory;

(16) "Non-Packaged Milk or Cream" means milk or cream as it is usually received from the farm, before it is processed and put in bottles, cartons or other containers for consumer use;

(17) "Stamped Testware" means test bottles, test weights, test scales, and other test equipment, inspected and stamped with an indelible and distinguishing mark by the division;

(18) "Standard Testware" means bottles, test weights, pipettes and other measuring or calibrating devices approved by the director for use in Kentucky.

Section 2. A Division of Dairying is hereby created in the Department of Agriculture, Labor and Statistics to be under the supervision of the commissioner and an Advisory Dairy Committee, and shall promote, improve and regulate dairy products of Kentucky and make and enforce necessary rules and regulations for the industry.

Section 3. (1) Within the division there is created a Dairy Committee consisting of six members appointed by the Commissioner, composed of three producers and three milk processors, all citizens of this state; said members shall serve a term of four years subject to removal by the commissioner for cause.

(2) The committee shall meet at such time and place as the commissioner or director shall designate. Four members consisting of two producers and two processors, present at any meeting shall constitute a quorum. Upon the request of any three members, the commissioner or director shall call a meeting at the time and place requested. Members of the committee not already employed by the state shall be compensated at the rate of seven dollars and fifty cents per day for services on the committee

while in session, and all members shall be reimbursed for any actual expense incurred in performing official duties.

(3) The committee shall act as an advisory board to the director and shall aid him in the promotion, and improvement of dairying, and assist him in formulating and enforcing necessary rules and regulations.

(4) The committee shall advise the director concerning enforcement of this Act, reporting violations, and the conducting of investigations and hearings concerning the revocation or suspension of a license.

Section 4. The division shall be headed by a director appointed by the commissioner, subject to the approval of the Governor. The director shall have a practical knowledge and experience in the manufacture of dairy products. The commissioner, with the advice and assistance of the director, shall appoint such employes, including inspectors, as are deemed necessary to carry out the provisions of this Act. Their duties shall be prescribed by the commissioner and their compensations shall be determined under the provisions of KRS 64.640.

Section 5. (1) The director shall:

(a) Assist dairy manufacturers, processors and handlers in improving the quality and merchandising techniques of dairy products sold to or manufactured in said factories, or handled by retailers;

(b) Procure the necessary personnel and facilities to check weights, samples, tests and records of milk and cream bought from producers;

(c) Promote and encourage the consumption of dairy products within the state;

(d) Submit a biennial report to the commissioner containing detailed information concerning the work performed by the division and such suggestions for improving the dairy industry as the commissioner may regard of public importance;

(e) Promulgate such rules and regulations as he may deem reasonable and necessary, for the inspection and stamping of glassware, testware and test weights used in testing milk and

cream to assure accuracy; and as to what constitutes standard testware;

(f) Publish and distribute from time to time bulletins under the supervision of the commissioner, containing the rules and regulations promulgated by the committee and other useful information to the dairy interests of this state.

(2) The director may:

(a) Subject to recommendation of the Committee, refuse, revoke or suspend licenses as provided in Section 15 of this Act;

(b) Enter into agreements with local agencies and organizations to aid and assist in the enforcement of this Act.

Section 6. (1) The director and inspectors in the employ of the division shall have the power to enter any factory or building where dairy products are manufactured, bought, handled or stored and open any package, can or vessel suspected of containing any article bought in violation of this Act.

(2) For the purposes mentioned in subsection (1) of this section, and in the enforcement and administration of this Act, the director and inspectors of the division may, without warrant enter and go into or upon any premises or building where dairy products are bought, sold, manufactured, handled or stored.

Section 7. It shall be unlawful for any buyer of milk or cream in this state to:

(1) Buy milk or cream from producers without obtaining a license for each buying location where such milk or cream is received;

(2) Receive and pay for milk or cream on the basis of weights or tests without having it weighed and sampled by a licensed weigher and sampler or tested by a licensed tester;

(3) Receive milk or cream purchased from producers by cream station operators or milk receiving stations, who do not have a "license to buy;"

(4) Use weighing, mixing, stamping, or testing equipment that is inaccurate or non-standard;

(5) Fail to comply with such regulations for weighing, sampling, and testing milk or cream as may be issued by the director in pursuance of the enforcement of this Act.

Section 8. (1) Except as provided in subsection (2) of this section, it shall be unlawful for any milk sampler or weigher in this state to:

(a) Sample or weigh milk or cream without obtaining a license to sample and weigh;

(b) Inaccurately sample or weigh milk or cream;

(c) Fail to comply with such regulations for the sampling or weighing milk or cream as may be issued by the director in pursuance of enforcement of this Act.

(2) Any milk tester who holds a license to test or a temporary permit to test, may sample and weigh milk or cream according to the provisions of this Act without obtaining a license to sample and weigh.

Section 9. It shall be unlawful for any milk tester in this state to;

(1) Weigh, sample or test milk or cream bought from producers without obtaining a license or permit to test as provided in this Act;

(2) Inaccurately weigh, sample, or test milk or cream;

(3) Use inaccurate, unstamped or nonstandard equipment in weighing, sampling or testing milk or cream.

Section 10. (1) Every person, partnership, corporation, association, organization or concern buying non-packaged milk or cream from producers shall secure and hold a "license to buy" for each buying location where such milk and cream is received and combined so that individual lots lose their identity.

(2) Application for license shall be made to the director on a form prescribed by him, and shall be accompanied by the license fee provided for in Section 14 of this Act.

(3) Upon receipt of the application and fee, the director shall issue to the buyer a license to buy milk or cream, provided

the buyer has complied with the provisions of this Act and such regulations as may be issued by the director.

(4) The license issued pursuant to this section shall expire on June 30 of each year.

Section 11. (1) Except as provided in subsection (2) all persons who test milk or cream bought by buyers from producers shall secure and hold a "license to test."

(2) Any person who tests milk or cream bought by buyers from producers not holding a current license to test, shall demonstrate his proficiency in testing by satisfactorily passing an examination prescribed by the director. Prior to the successful completion of this examination he may apply for a temporary permit to test.

(3) Application for a license or temporary permit to test shall be made on a form prescribed by the director and accompanied by the license fee or permit fee provided for in Section 14 of this Act.

Section 12. (1) All persons who weigh or sample milk or cream bought by buyers from producers shall secure and hold a license to sample and weigh, provided, however, that licensed testers may sample and weigh under the authority of their "license to test."

(2) Application for a license shall be made on a form prescribed by the director and accompanied by the license fee provided for in Section 14 of this Act.

(3) Upon receipt of this application and fee, the director shall issue to the sampler and weigher a license to sample and weigh milk and cream, provided the sampler and weigher has complied with the provisions of this Act and such regulations as may be issued by the director.

(4) The license issued pursuant to this section shall expire on June 30 of each year.

Section 13. (1) The division shall have the power to inspect test equipment, including test bottles, pipettes, weights, scales and other measuring or calibrating devices used in testing milk and cream for the purpose of seeing if they are correct. Test

equipment found accurate shall be stamped, sealed or permanently marked so as to be distinguishable. The charge for inspecting test equipment shall be as prescribed by the director but not to exceed three cents per piece. Equipment to be stamped for use in Kentucky shall be limited to those items listed and described on an approved list published periodically by the director.

(2) For the purpose mentioned in subsection (1) of this section, and in the enforcement and administration of this Act, the director and inspector of the division may, without warrant enter and go into or upon any premises or building where test equipment contemplated in subsection (1) of this section is used in testing milk or cream.

Section 14. The license fees to be paid for those licenses provided for in sections 10, 11 and 12 of this Act shall be as follows:

(1) Buyers:

(a) Cream buyers shall pay a license fee of six dollars; provided, however, that those cream buyers beginning operation after July 1 shall pay a fee at the rate of fifty cents per month or fraction thereof, for the months remaining in the license year.

(b) Milk buyers shall pay a license fee of thirty-five dollars per year; provided, however, that those milk buyers beginning operation after July 1 shall pay a fee at the rate of five dollars per month or fraction thereof for the months remaining in the license year;

(2) Testers shall pay a license fee of two dollars to test or for a temporary permit to test;

(3) Samplers and weighers shall pay a license fee of two dollars.

Section 15. (1) The director may refuse, revoke, or suspend any license, provided, however, that such revocation or suspension shall occur only when the licensee has failed to comply with the provisions of this Act or the rules and regulation thereunder, and then only upon recommendation to the director by the committee, after the licensee has had an opportunity, upon

due notice, at a hearing before said committee, to show cause why his license should not be revoked or suspended.

(2) The licensee may, within six days after refusal, revocation or suspension of his license, appeal to the Franklin Circuit Court.

(3) The appeal shall be made by the aggrieved party filing an attested copy of the order of the Committee, and all evidence heard as well as all steps taken by the committee relating to the contested order. Bond shall first be posted to secure the costs of the action, in a sum approved by the circuit clerk, with a corporate surety approved by the Department of Insurance as to solvency and responsibility.

(4) No formal pleadings shall be required in appeals from order of the board.

(5) Any party aggrieved by a judgment of the Franklin Circuit Court may appeal to the Court of Appeals in the manner provided in the Rules of Civil Procedure.

Section 16. All monies received under the provisions of this Act shall be paid into the State Treasury to the credit of a revolving fund for the use of the department. No part of the revolving fund shall revert to the General Expenditure Fund of the state.

Section 17. All dairy products sold in consumer packages shall first be registered with the commissioner. Nonresident manufacturers, processors, handlers and their distributors shall pay an annual license fee of ten dollars plus an annual registration fee of ten dollars for each brand, grade or formula. Nonresident registrants may register any number of brands, grades or formulas after payment of annual registration fees aggregating two hundred dollars.

Section 18. Each nonresident applicant for a certificate of registration to bring milk and all other dairy products into Kentucky shall furnish a bond in the amount of one thousand dollars signed by a corporate surety authorized to do business in Kentucky in favor of the department and guaranteeing the faithful compliance with the dairy laws and related regulations. The bond shall be conditioned to indemnify the department for any

expense in connection with the administration of the dairy laws and regulations with respect to said applicant including cost of any inspection made in connection with the original application and any other inspection deemed necessary by the commissioner. Said bond shall be executed at the time of application and shall accompany such application.

Section 19. It is hereby required that all milk and milk products shipped into this state shall meet the sanitary standards, definition and requirements of the law, and the rules and regulations promulgated by the commissioner. The commissioner may establish acceptable reciprocal inspection arrangements between various State, Federal and local milk inspection authorities, interstate and intra-state, to properly enforce and administer this Act in accordance with specifications and regulations adopted. A reasonable fee may be charged to all out-of-state inspections where reciprocal inspections are not available and cannot be negotiated.

Section 20. Sections 260.170 to 260.270; and Subsections (3) and (4) of Section 260.990 of the Kentucky Revised Statutes are repealed.

Section 21. (1) Any person violating the provisions of Section 7 or 10 of this Act, shall be fined not less than fifty nor more than one hundred dollars for the first offense; and not less than one hundred dollars nor more than one thousand dollars for each subsequent offense.

(2) Any person violating any of the provisions of Sections 8, 9, 11 or 12 shall be fined not less than twenty-five dollars nor more than fifty dollars for the first offense; and not less than fifty dollars nor more than one hundred dollars for each subsequent offense.

S. B. No. 228. AN ACT relating to motor transportation and motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 281.655 of the Kentucky Revised Statutes is amended to read as follows:

INSURANCE. (1) Before any certificate or permit will be issued or renewed, the applicant or holder of the certificate or permit must file or have on file with the department an approved indemnifying bond or insurance policy issued by some surety company or insurance carrier authorized to transact business within the Commonwealth of Kentucky. The bond or policy shall be issued for such a period of time that its expiration date will be January 1 of the following year; and shall have attached thereto the state insurance endorsement. All bonds or policies required herein must be issued in the name of the holder of the certificate or permit. In lieu of the bond or policy, there may be filed with the department an approved certificate of insurance; provided, however, that the expiration date of January 1, above referred to, shall not apply to policies the term of which is continuous and which are to remain in full force until cancelled under proper notice.

(2) All bonds or policies shall specifically state what equipment is covered by the policy. In the event a certificate is filed it shall have endorsed thereon a specific description of all equipment covered by the policy. It is further required that any and all changes in the equipment covered by the policy, or bond, or the certificate of insurance shall be certified to the department at once. The department may authorize acceptance of a policy that is an overall coverage blanket policy, which does not specifically describe the equipment covered thereby.

(3) The types and amounts of insurance to be carried on each vehicle are as follows:

MOTOR VEHICLES FOR THE TRANSPORTATION OF PERSONS

Capacity	Death or Injury to any One Person	Total Liability for Death or Injury to Persons	Property Damage
7 persons or less	$10,000.00	$20,000.00	$5,000.00
8 to 16 inclusive	10,000.00	30,000.00	5,000.00
17 to 25 inclusive	10,000.00	40,000.00	5,000.00
26 or more	10,000.00	50,000.00	5,000.00

MOTOR VEHICLES FOR THE TRANSPORTATION OF PROPERTY

Gross Weight	Death of or Injury to any One Person	Total Liability for Death of or Injury to Persons	Property Damage
18,000 lbs. or less	$10,000.00	$20,000.00	$5,000.00
More than 18,000 lbs.	10,000.00	30,000.00	5,000.00

(4) Any carrier or motor carrier using any vehicle for the transportation of inflammables, explosives or petroleum or petroleum products in bulk shall have the following types and amounts of insurance carried on each such vehicle:

Death of or Injury to any One Person	Total Liability for Death of or Injury to Persons	Property Damage
$10,000.00	$25,000.00	$25,000.00

(5) Before any certificate exclusively authorizing the transportation of property will be issued or renewed, the applicant or holder of the certificate must file or have on file with the department an approved insurance policy or bond, or approved certificate of such insurance or bond, compensating shippers or consignees for loss or damage to property belonging to shippers or consignees and coming into possession of the carrier in connection with its transportation service, (a) for loss of or damage to property carried on any one motor vehicle in the amount of one thousand dollars; (b) for loss of or damage to or aggregate of losses or damages of or to property occuring at any one time and place in the amount of two thousand dollars. Said policy, or bond, or certificate shall have attached thereto the Kentucky cargo policy endorsement and must be issued by some insurance or surety company authorized to transact business within the Commonwealth of Kentucky. Such policy, bond or certificate shall be issued for such a period of time that its expiration date will be January 1 of the following year, except that such expiration date shall not apply to policies the term of which are continuous and which are to remain in full force until cancelled under proper notice.

(6) No insurance company or insurance carrier issuing any policy filed with the department, and no surety or obligor on any bond or contract filed with the department, shall be relieved from

liability under the policy, bond or contract until after the expiration of fifteen days' notice to the department of an intention to cancel the policy, bond or contract. The acceptance of such notice and the cancellation of the policy, bond or contract by the department shall not relieve the insurance company, insurance carrier, surety or obligor of any liability that accrued prior to the effective date of the cancellation.

(7) Upon the cancellation of any bond or insurance policy required by this section, all operating rights granted by the certificate or permit for which said bond or policy was filed, shall immediately cease, and the department is empowered to immediately require the cessation of all operations conducted under authority of said certificate or permit, and to require the surrender of all certificates, permits, licenses and other evidence of a right to act as a motor carrier.

(8) The department may exempt in whole or in part from the requirements of this section any person who applies for such exemption and shows to the satisfaction of the department that, by reason of the financial ability of the person applying, there is due assurance of the payment of all damages for which he may become liable as a result of the operation of any vehicles owned by him or operated under authority of his certificate or permit.

SECTION 2. A new Section of the Kentucky Revised Statutes is created to read as follows:

On or before January 1 of each year and as a condition precedent to the use of the highways, every motor carrier operating wreckers shall pay to the department an annual excise tax upon each motor vehicle so used in the amount of ten dollars, which tax shall be in lieu of the taxes required by KRS 186.050 (8).

SECTION 3. A new Section of the Kentucky Revised Statutes is created to read as follows:

On or before January 1 of each year and as a condition precedent to the use of the highways, every carrier or motor carrier operating airport limousines shall pay to the department for the privilege of using the highways an annual tax upon each

motor vehicle so used in the amount of three dollars for each regular seat.

SECTION 4. A new section of the Kentucky Revised Statutes is created to read as follows:

On or before January 1 of each year and as a condition precedent to the use of the highways, every carrier or motor carrier acting as a U-Drive-It shall pay to the department for the privilege of using the highways an annual excise tax upon each motor vehicle used in the transportation of property based upon the declared gross weight of the motor vehicle as set out in KRS 186.030, in addition to the basic registration fee as set out in KRS 186.050 and in lieu of the taxes imposed by KRS 186.055 as follows:

Gross Weight	Fee
0- 5000	$ 22.00
5001- 8000	30.00
8001-10000	48.00
10001-12000	52.00
12001-14000	57.00
14001-16000	62.00
16001-18000	70.00
18001-21000	101.00
21001-24000	132.00
24001-27000	161.00
27001-30000	185.00
30001-33000	208.00
33001-36000	235.00
36001-39000	275.00
39001-42000	300.00

Ordered that said bills be printed and referred.

A message was received from the Senate, requesting the return of H. B. No. 206 for further consideration.

Mr. Lowman moved that the House comply with the Senate request and return H. B. No. 206 to the Senate.

Said motion was agreed to.

Ordered that H. B. No. 206 be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 324. AN ACT relating to barbers and beauty specialists.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 317.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person, firm or corporation may apply to the board for a license to conduct a school for the teaching of barbering or beauty culture.

(2) Any recognized professional association composed of licensed beauticians or persons in allied businesses whose business is primarily that of a supplier of materials, implements or equipment used by beauty specialists or beauty shops may hold, present, sponsor or otherwise stage educational lectures, clinics, demonstrations, exhibitions, conventions or postgraduate courses in cosmetology presided over by recognized persons in the field of cosmetology when done for the benefit of, and attended by, licensed beauty specialists and apprentices and not for the public generally.

(3) Not less than ten days prior to the date of any such lecture, clinic, demonstration, exhibition, convention or postgraduate course, the organization desiring to sponsor same, and the person desiring to appear shall file notice of their intentions with the Kentucky Board of Barbers and Beauty Examiners and shall satisfy the board that it is a recognized professional association and that the person seeking a temporary permit is capable of any may reasonably be expected to further the standards and professional knowledge of the beauticians attending. If, after reasonable investigation, the board is satisfied that said requirements have been met and the fee required by KRS 317.160 has been paid, it shall issue a temporary permit to the sponsoring organization and to the person. No such permit shall be valid for a period of more than ten days.

Section 2. Section 317.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fee for an examination for barber or beauty specialist shall be fifteen dollars, and for the issuance of a license, eight dollars. The fee for renewal of any barber's or beauty specialist's license, including an apprentice's license, shall be five dollars, and for the restoration of an expired license, twenty-five dollars.

(2) The fee for an examination for an apprentice to a barber or beauty specialist shall be ten dollars, and for the issuance of the license, three dollars.

(3) The fee for an examination for manicurist shall be ten dollars, and for the issuance of a license, three dollars. The fee for the renewal of a manicurist's license shall be three dollars, and for the restoration of an expired license, ten dollars.

(4) The fee for an examination for teacher of beauty culture or barbering shall be twenty-five dollars, and for the issuance of a teacher's license, ten dollars. The fee for renewal of a teacher's license shall be ten dollars, and for the restoration of an expired license, fifty dollars.

(5) The annual license fee for a school of barbering or beauty culture shall be twenty-five dollars.

(6) The annual license fee for each barber shop or beauty shop shall be three dollars.

(7) The fee for the issuance of a temporary permit for a recognized person in the field of cosmetology appearing in connection with educational lectures, clinics, demonstrations, exhibitions, conventions, or postgraduate courses in cosmetology as provided in KRS 317.090 shall be twenty-five dollars for each ten day period.

Section 3. Section 317.190 of the Kentucky Revised Statutes is amended to read as follows:

A duplicate license certificate shall be issued to an applicant filing a verified statement explaining the loss of his certificate. A fee of two dollars shall be charged for the issuance of a duplicate. Each duplicate shall have the word "duplicate"

stamped across its face, and shall bear the date and number of the original certificate.

Section 4. Section 317.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) No school of barbering or beauty culture shall be approved by the board unless it requires as a prerequisite to graduation, a course of instruction of not less than twelve hundred and forty-eight hours, to be completed in not less than six months of not more than ten hours nor less than four hours a day. The course of instruction shall include the following subjects: Histology of the hair, skin, nails, muscles and nerves of the face and neck; elementary chemistry, relating to sterilization and antiseptics; diseases of the skin, hair and glands; massaging and manipulating of the muscles of the upper body; cutting, shaving, arranging, dressing, coloring, bleaching and tinting the hair, and such other courses as scientific research and progress in the future render desirable.

(2) No school shall be approved by the board that does not provide at least one licensed teacher for every eighteen students or fraction thereof enrolled in the school.

(3) Schools shall keep daily records of the attendance of each student, establish grades and hold examinations before issuing diplomas.

(4) Schools shall be so located as to be entirely separate from any beauty shop, barber shop or any place of business. All rooms shall be properly lighted and well ventilated. Schools shall be supplied with clean sanitary drinking water. Schools located in residences shall have outside entrances and be equipped with lavatories other than those used for family or residential purposes.

Section 5. Section 317.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall elect a president and appoint a secretary.

(2) The secretary of the board shall receive such salary as may be fixed pursuant to KRS 64.640, and shall be reimbursed for his necessary traveling expenses.

(3) Each member of the board shall receive, as compensation for actual attendance at legally assembled meetings of the board, twenty dollars for each day he attends as shown by the record, and shall be reimbursed for necessary traveling expenses.

Section 6. Section 317.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) No apprentice may practice barbering independently, but may do any act constituting the practice of barbering under the immediate supervision of a licensed barber. Only one apprentice may be employed in any licensed barber shop.

(2) No apprentice may practice beauty culture independently but may do any act constituting the practice of beauty culture under the immediate supervision of a licensed beauty specialist. There shall be no more than one apprentice for each licensed beauty specialist in any one shop.

Section 7. Section 317.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person who violates any provision of this chapter shall be fined not less than nineteen dollars nor more than five hundred dollars, or imprisoned for not less than ten days, nor more than thirty days, or both.

Mrs. Stovall offered the following amendment and moved its adoption.

Amendment No. 1—On page 5, section 6, line 11. After the word "Specialist" and before the word "In" add the following words "But In No Event shall there be more than two (2) apprentices"

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman offered the following amendment and moved its adoption.

Amendment No. 2—On page 5, section 5, line 4, By deleting line 4 in its entirety and substituting therefor the following:

"retary; provided, that after January 1, 1956, the Secretary to the Board shall be a barber or beauty specialist duly licensed pursuant to KRS Chapter 317."

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Young Brown	Estill R. Hilton
Walter J. Bailey	Paul Cobb	Chester J. Holsclaw
John Rhea Banton	William J. Conley	William M. Horn
Clarence J. Barnum	Vernor O. Cottengim	William L. Jones
Charles E. Baumgardner, Sr.	W. Marvin Davis	Talmage Lacy
Owen Billington	John L. Day	George H. Lovelace
Leo A. Bleemel	C. E. Dowell	Harry King Lowman
Edward T. Breathitt, Jr.	Harold Edmonds	Shelby McCallum
Edward O. Bridgers	Thomas P. Fitzpatrick	Ralph E. McClanahan
	Cabell D. Francis	William E. Maglinger
	Henry R. Heyburn	

Damon Majors	Edward D. Pollitte	Eulick Walsh
George R. Martin	Paul T. Ratcliffe	Will Tom Wathen
Robert K. Montgomery	Robert Reid	Morris Weintraub
	Russell Reynolds	William B. Wells
Walter R. Moorman	William A. Routh	Mrs. Randolph Wilson
Fred Morgan	Cecil C. Sanders	
Thomas J. Murphy	W. R. Smith	T. D. Winstead
Goebel W. Newsom, Jr.	Mrs. Thelma L. Stovall	Charles W. Wirsch
		Paul E. Young
Foster Ockerman	C. Waitman Taylor	—55

Those who voted in the negative were—

J. Murray Blue	W. L. Hadden	William C. Mann
J. C. Bradley	C. Ruby Harralson	Carl D. Melton
Harry M. Caudill	Harold G. Helm	Alton B. Mitchell
Cassius M. Clay	David Heskamp	Louis T. Peniston
R. Josh Cosby	Lon C. Hill	Hobart Rayburn
Charles W. Craig	Varna Holt	LeRoy Saylor
Albert Dempsey	Jennings H. Kearby	James Treadway
O. O. Duncan	James W. Lambert	Walker H. Wiseman
Herbert Fern	Caleb McFadden	Dr. Clyde D. Wooton
		—27

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 299. AN ACT relating to motor transportation and motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 281.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) The term "person" means any individual, firm, partnership, corporation, company, association or joint stock association, and includes any trustee, assignee, or personal representative thereof.

(2) The term "department" means the Department of Motor Transportation.

(3) The term "certificate" means a certificate of public convenience and necessity issued under this chapter to common carriers by motor vehicle authorizing their operation thereunder.

(4) The term "permit" means a permit issued under this chapter to contract carriers by motor vehicle and to persons engaging in the business of U-Drive-It.

(5) The term "state" means the Commonwealth of Kentucky.

(6) The term "interstate commerce" means commerce between any place in a state and any place in another state.

(7) The term "intrastate commerce" means commerce between any place in this state and any other place in this state.

(8) The term "highway" means all public roads, highways, streets and ways in this state, whether within a municipality or outside of a municipality.

(9) The term "city" means a municipality incorporated under the laws of this state.

(10) The term "motor vehicle" means any motor propelled vehicle used for the transportation of persons or property for hire on a public highway, including any such vehicle operated as a unit in combination with other vehicles, and including vehicles propelled by electric power obtained from overhead wires whether operatng over rails or otherwise.

(11) The term "common carrier by motor vehicle" means any person who holds himself out to the general public to engage in the transportation by motor vehicle of persons or property in intrastate or interstate commerce over regular routes, except that

persons holding irregular route common carrier authority granted by the Interstate Commerce Commission, taxicabs, and local cartage vehicles are not required to move over regular routes.

(12) The term "contract carrier by motor vehicle" means any person who, under individual contracts of agreements, engages in the transportation, other than transportation referred to in subsection (11) of this section, by motor vehicle of passengers or property in interstate or intrastate commerce.

(13) The term "carrier" or "motor carrier" means any person who owns, controls, operates, manages, or leases, except persons leasing to authorized carriers, any motor vehicle for the transportation of persons or property for hire upon any highway, and any person who engages in the business of U-Drive-It. It shall include common and contract carriers by motor vehicle, city and suburban buses, driveaways and U-Drive-Its.

(14) (a) A "city bus certificate" means a certificate granting authority only for the operation of motor vehicles transporting passengers for hire between points within the corporate limits of a city and over regular routes.

(b) A "city bus" is a motor vehicle operated under one or more city bus certificates.

(c) The term "city bus license" means a license plate issued for a bus authorizing its operation under one or more city bus certificates or a combination of city bus certificates and suburban bus certificates.

(15) (a) A "suburban bus certificate" means a certificate granting authority only for the operation of motor vehicles carrying passengers for hire within the confines of either one or more cities and their suburban area, or a suburban area, over regular routes but not granting authority to engage in intracity transportation.

(b) A "suburban bus" is a motor vehicle operated under one or more suburban bus certificates.

(c) The term "suburban bus license" means a license plate issued for a bus authorizing its operation under one or more suburban bus certificates.

(16) "Suburban area" means territory wholly within the State of Kentucky which extends not more than two air miles beyond the corporate limits of any municipality and one mile additional for each fifty thousand population or major fraction thereof, and, where one or more municipalities are contiguous or adjoining, the combined population of such contiguous or adjoining municipalities shall be considered in determining the suburban area of each such contiguous or adjoining municipality; provided, however, the department may, from time to time, upon a showing as hereinafter provided, authorized and permit the holder of a suburban bus certificate to extend its operations beyond the territorial limits of any such city or cities for a distance not to exceed ten air miles, if said department finds:

(a) That the territory proposed to be served adjoins or is contiguous to said city; and

(b) That the territory proposed to be served has such density of population and that the physical, business, economic and social interest is such as to make it an integral part of the city to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a suburban bus certificate.

(17) "Commercial area" means territory wholly within the State of Kentucky which extends not more than two air miles beyond the corporate limits of any municipality and one mile additional for each fifty thousand population or major fraction thereof, and, where one or more municipalities are contiguous or adjoining, the combined population of such contiguous or adjoining municipalities shall be considered in determining the commercial area of each such contiguous or adjoining municipality; provided, however, the department, may, from time to time, upon a showing, as hereinafter provided, authorize and permit the holder of a certificate authorizing the transportation of property to extend its operations beyond the territorial limits of any such city or cities for a distance not to exceed ten air miles, if said department finds:

(a) That the territory proposed to be served adjoins or is contiguous or is contiguous to said city; and

(b) That the territory proposed to be served has such density of population and that the physical, business, economic and social interest is such as to make it an integral part of the city to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a certificate authorizing the transportation of property.

(18) The term "U-Drive-It" means any person who leases or rents a motor vehicle for a consideration to be used for the transportation of persons or property, but for which no driver is furnished, and the use of which motor vehicle is not for the transportation of persons or property for hire by the lessee or rentee.

(19) (a) The term "taxicab certificate" means a certificate granting authority only for the operation of a given number of motor vehicles transporting passengers for hire, the principal operation of which is confined to the corporate limits of one city and its suburban area, and not operating over any regular route, and the destination of which motor vehicles are designated by the passengers at the time of such transportation.

(b) A "taxicab" is a motor vehicle operated under one or more taxicab certificates, and is a vehicle designed or constructed to transport not more than six passengers exclusive of the driver.

(c) The term "taxicab license" means a license plate issued to a taxicab authorized to operate under a taxicab certificate.

(20) (a) The term "local cartage certificate" means a certificate granting authority only for the operation of motor vehicles exclusively engaged in the transportation of property for hire between points within a city or within a city and its commercial area. It shall not include the pick-up or delivery service rendered by the holder of any other type of certificate issued by the department.

(b) A "local cartage vehicle" is a motor vehicle operated under a local cartage certificate.

(21) (a) An "airport limousine certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting passengers or baggage for hire

over regular routes between points within a city or its suburban area and an airport.

(b) An "airport limousine" is a motor vehicle operated under one or more airport limousine certificates.

(c) The term "airport limousine license" means a license plate issued for a motor vehicle authorizing its operation under one or more airport limousine certificates.

(22) (a) An "industrial bus certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting employes of a given industry or industries for hire to and from their place of employment.

(b) An "industrial bus" is a motor vehicle operated under an industrial bus certificate.

(c) The term "industrial bus license" means a license plate issued for a bus authorizing its operation under an industrial bus certificate.

(23) The term "exempted commodities" means such commodities that are normally and usually not transported by common carriers by motor vehicle.

(24) The term "driver" or "chauffeur" means the person physically operating the motor vehicle.

(25) The term "regular seat" means a seat ordinarily and customarily used by one passenger and in determining such seating capacity the manufacturer's rating may be considered.

(26) The term "driveaway" means the transporting and delivering of motor vehicles under their own power or by means of a full mount method, the saddle mount method, the tow bar method or any combination of them, over the highways of this state from any point of origin to any point of destination for hire.

(27) The term "wrecker" means a motor vehicle designed or constructed for the hauling or towing of wrecked or disabled motor vehicles when employed for that purpose and where such hauling or towing is not an incident to the primary activity of repair or reconstruction of the wrecked or disabled vehicles.

Section 2. Section 281.605 of the Kentucky Revised Statutes is amended to read as follows:

(1) The provisions of this chapter shall not apply, except as to the safety regulations, to:

(a) Motor vehicles used as school buses and while engaged in the transportation of students, under the supervision and control and at the direction of school authorities;

(b) Motor vehicles, regardless of ownership, used exclusively:

1. For the transportation of agricultural and dairy products, including fruit, livestock, meats, fertilizer, wood, lumber, cotton, products of grove or orchard, poultry and eggs, while owned by the producer of the products, including landlord where the relation of landlord and tenant or landlord and cropper is involved, from the farm to a market, warehouse, dairy or mill, or from one market, warehouse, dairy or mill to another market, warehouse, dairy or mill; or

2. For the transportation of agricultural and dairy products, livestock, farm machinery, feed, fertilizer, and other materials and supplies essential to farm operation, from market or shipping terminal to farm; or

3. For both the purposes described in sub-paragraphs (1) and (2) of this paragraph; or

4. For the transportation of agricultural and dairy products from farm to regularly organized fairs and exhibits and return;

(c) Motor vehicles used exclusively as church buses and while operated in the transportation of persons to and from a church or place of worship or for other religious work under the supervision and control and at the direction of church authorities;

(d) Motor vehicles used exclusively in transporting materials, supplies and equipment for the construction, reconstruction or maintenance of any public highway, road or street in this state;

(e) Motor vehicles used exclusively for the transportation of property for hire and operated exclusively within a city or

within a city and its commercial area; provided, however, that no such motor vehicle shall be entitled to this exemption of license taxes unless it is operated under the authority of one of the various types of certificates issued by the department.

(f) Motor vehicles used exclusively for the transportation of property belonging to a nonprofit cooperative association or its members where the vehicle is owned or leased exclusively by the association.

(g) Motor vehicles owned in whole or in part by any person and used by such person to transport petroleum products and those incidental supplies used or sold in connection with the wholesale or retail sale of such petroleum products of which petroleum products or incidental supplies, such person is the owner, lessee, consignee, or bailee; provided, however, that such transportation is for the purpose of sale, lease, rent, or bailment, and is an incidental adjunct to an established private business owned and operated by such person in the furtherance of any commercial enterprise other than the business of transportation of property for hire.

Section 3. Section 281.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every applicant for a certificate or permit or for amendment or transfer or sale or change in route or abandonment of a certificate or permit shall apply for same to the department in such form and the application shall contain such matters as the department may prescribe.

(2) For the filing of such application the department shall receive a fee of twenty-five dollars.

Section 4. Section 281.625 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the filing of an application for a certificate or permit or for amendment or for sale, transfer or lease or for change in route or for abandonment of a certificate or permit, the department shall, within a reasonable time, fix the time and place for a hearing. At least thirty days before the hearing, the department shall mail written notice of the hearing, and of the right to file a protest, in accordance with the regulations of the

department, to the applicant and every authorized carrier, including railroads, serving any part of the route proposed to be served or abandoned by the applicant. The department may also give similar notice to any other person, who, in the opinion of the department, may be interested in or affected by the granting of the application.

(2) At the time fixed in the notice the department shall hold a public hearing on the application. Any person having interest in the subject matter may, in accordance with the regulations prescribed therefor, file a protest to the granting, in whole or in part, of the application.

(3) The department, may, if the application is solely for rights previously granted by the Interstate Commerce Commission, dispense with the holding of a hearing.

(4) Persons engaged in the transportation in interstate commerce in Kentucky of any commodity exempted by the Interstate Commerce Commission from regulation shall be subject to the same Kentucky requirements and regulations as if such persons were transporting commodities not exempted by the Interstate Commerce Commission, except that in lieu of filing or registering with the department a certificate of public convenience and necessity as issued by the Interstate Commerce Commission, such persons shall apply to the department for a permit or certificate restricted to interstate commerce and such a permit or certificate may be issued without a hearing.

(5) If such applicant has been granted an irregular route common carrier certificate by the Interstate Commerce Commission, the department may grant an irregular route common carrier certificate restricted to operation in interstate commerce, and on the granting of same, it shall notify the Department of Revenue of the applicant's operation.

(6) The department shall have the power to designate certain commodities as exempted commodities as defined in KRS 281.010, and may grant a permit, upon application, to transport only such exempted commodities without the holding of a hearing; and the department shall also have the power to remove any commodity so designated at any time without a hearing.

(7) The department may grant a permit, upon application, to operate a U-Drive-It as defined by KRS 281.010, without the holding of a hearing.

Section 5. Section 281.645 of the Kentucky Revised Statutes is amended to read as follows:

(1) When any application for a certificate or permit, or for an amendment thereto has been heard and denied, the department shall not accept another application concerning the same or similar routes or service until the expiration of six months from the date of the denial unless the denial was based upon the applicant's failing to show that he was fit, willing and able.

(2) In the event that at the time of denial, unless the denial was based upon the applicant's failing to show that he was fit, willing and able, there is on file with the department any other application concerning the same or similar routes or service as that denied, the department shall take no further action upon such application for a period of six months from the date of denial unless the hearing relative to such application has been concluded prior to the denial.

(3) In no event shall the provisions of subsection (1) and (2) hereof be construed to apply to any application which the commissioner has by order dismissed without prejudice.

Section 6. Section 281.665 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Any bona fide motor carrier or its successor operating city buses as of December 31, 1949, under a valid certificate, franchise, statute, authorization, or in bona fide operation on said date, shall be entitled to such certificate or certificates and of such type or types as are defined in this chapter that cover their operations as of December 31, 1949.

(2) Any holder of any other type of valid certificate or permit issued prior to June 15, 1950, shall be entitled, upon renewal, to such certificates or permits, as the case may be, that will grant the holder thereof the same authority that the certificates or permits held on June 15, 1950, granted.

(3) All certificates or permits grandfathered shall be sub-

ject to the same limitations and restrictions as were imposed on such certificate or permit, and if the validity of any certificate or permit issued by the Division of Motor Transportation was in litigation on December 31, 1949, and is finally held to be invalid, then such certificate or permit shall not be grandfathered.

(4) Any person engaged, as of December 31, 1953, in the operation of a local cartage business as defined by KRS 281.010 (20), shall, upon application before January 1, 1956, and upon the approval of the department, be entitled to such certificate or certificates of such type or types as defined in this chapter to cover their local cartage operations as of December 31, 1953. In the event the department does not approve such application, the applicant shall be entitled to a hearing.

(5) Any person engaged, as of December 31, 1953, in the operation of an airport limousine business as defined in KRS 281.010 (21), may, upon application, be entitled to such certificate or certificates of such type or types as are defined in this chapter to cover their airport limousine operations as of December 31, 1953, and if the department so desires, it may require a hearing upon any such application to establish the applicant's rights hereunder.

(6) Any person engaged, as of December 31, 1953, in the operation of a U-Drive-It business as defined in KRS 281.010 (18), may, upon application, be entitled to such certificate or certificates of such type or types as are defined in this chapter to cover their U-Drive-It operations as of December 31, 1953, and if the department so desires, it may require a hearing upon any such application to establish the applicant's rights thereunder.

(7) Whenever the department, in the exercise of its powers pursuant to KRS 281.625, shall cease to designate any given commodity or commodities as an exempted commodity, any motor carrier operating as of the date of the department's action pursuant to a permit authorizing the transportation of such commodity or commodities, may be entitled to such authority as will thereafter authorize continuation of the same operation which was being conducted at the time of the department's action in removing the item or items.

(8) All certificates or permits grandfathered shall be subject to the same limitations and restrictions as were formerly imposed on such certificates or permits and if the validity of any certificate or permit issued by the department was or is in litigation at the time of its grandfathering date, and is finally held to be invalid, then such certificate or permit shall not be grandfathered.

Section 7. Section 281.670 of the Kentucy Revised Statutes is hereby amended to read as follows:

Whenever any motor carrier is found to be violating any of the provisions of this chapter, or any order or rule and regulation prescribed by the department pursuant thereto, or any of the laws of this state, or is found to be permitting any of its drivers or vehicles to violate any of the provisions of this chapter, or any order, or rule and regulation prescribed by the department pursuant thereto, or any of the laws of this state or is found to be unfit to carry out the duties, obligations and responsibilities of a motor carrier, the department may, upon complaint or upon its own motion, issue its order to such motor carrier notifying it to appear before the department at a fixed time and place, at which time and place the department shall have a hearing. If the department is satisfied, after a hearing, that the motor carrier has violated or refused to observe any of the provisions of this chapter, or any order, or rule or regulation of the department, or any of the laws of this state, or has permitted any of its drivers or motor vehicles to violate any of the provisions of this chapter or any order, or rule or regulation prescribed by the department pursuant thereto, or any of the laws of this state, or has become unfit to carry out the duties, obligations and responsibilities of a motor carrier, the department may suspend, revoke, alter or amend any certificate or permit issued to such carrier. The renewal by the department of the certificate or permit of any motor carrier shall not be construed to be a waiver or condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the motor carrier therefor.

Section 8. Section 281.690 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) No common carrier shall make any change in any rate that has been duly established under this chapter except after thirty days' notice to the department, which notice shall state plainly the changes proposed to be made and the proposed effective date of such change. The carrier shall also give notice of the proposed change to other interested persons in such manner as the department directs in its rules and regulations. All proposed changes shall be shown by filing new tariffs in the form and manner prescribed by the department. The department may, in accordance with regulations prescribed therefor, upon the showing of good cause, provide for the allowance of a change in rates by holders of certificates authorizing only transportation of property upon notice less than that herein specified.

(2) Whenever any tariff setting forth a change in rates is filed, the department may, upon its own initiative, and shall, upon protest filed in accordance with the regulations of the department, enter upon a hearing concerning the lawfulness of the proposed rate. At least thirty days before the hearing the department shall mail written notice of the hearing to the applicant, the protestant and to any other person who, in the opinion of the department, may be interested in or affected by the proposed change in rate. The department may suspend the operation of the new rates for a period of not more than six months from the proposed effective date by order, giving reasons therefor. If after the hearing the department finds the proposed rate, or any part thereof, to be unjust, unreasonable, or unjustly discriminatory, or in violation of law, the department shall determine the just and reasonable rate to be charged and shall fix the same by order.

(3) No contract carrier shall make any change in its contract filed with the department except upon the approval of the department.

Section 9. Section 281.780 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) An appeal to the Franklin Circuit Court may be taken from any final order of the department by anyone who was a party to the proceedings before it.

(2) In the case of an appeal wherein a certificate or per-

mit has been issued or amended or revoked or suspended, the certificate or permit or its amendment shall remain in force until final disposition of the appeal.

(3) An appeal may be taken by filing a petition of appeal with the Clerk of the Franklin Circuit Court within twenty days after the rendition of the final order of the department. The petition shall state completely the grounds upon which the review is sought and shall assign all errors relied upon. The appellant shall furnish a copy of the petition to each person who was a party to the hearing before the department. Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen days after service of summons. The department shall, upon being served with the summons, and within thirty days thereafter, file a copy of the record, duly certified by the commissioner, the cost of such record to be taxed as costs upon appeal. In lieu of filing of such record, an abstract thereof may be filed if agreed to by all parties to the hearing.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

The department may prescribe appropriate and reasonable regulations with regard to the rendition of charter bus service by the holders of certificates, other than by holders of taxicab or industrial bus certificates, authorizing the transportation of persons, as will provide, insure and maintain, safe, adequate, economic, and efficient charter bus service.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

Every certificate exclusively authorizing the transportation of property, except local cartage certificates, shall be so construed as to authorize the holder thereof to serve the commercial area of any point or points authorized to be served by the certificate, provided however, that nothing herein shall be construed to obviate or remove any specific restriction or limitation presently existing in any such certificate, and such limitation or restriction shall remain in full effect.

Section 12. A new section of the Kentucky Revised Statutes is created to read as follows:

Upon the cancellation of any bond or insurance policy required by KRS 281.655, all operating rights granted by the certificate or permit for which said bond or insurance policy was filed shall immediately abate; provided however, that if the bond or insurance policy is reinstated within thirty days from the date of cancellation the operating rights granted by the certificate or permit shall again be in force and effect, otherwise they shall become void. Upon the event of the cancellation of any bond or insurance policy or upon the event of any order of the department cancelling or suspending the operating rights granted by any certificate or permit the department is empowered to immediately require the cessation of all operations conducted under authority of the affected certificate or permit, and to require, through its agents, the surrender of all certificates, permits, licenses, and other evidence of right to act as a motor carrier.

Mr. Breathitt offered the following amendment and moved its adoption.

Amendment No. 1—On page 11, section 4, line 46. By deleting the word "without" and substituting the word "with".

Said motion was agreed to.

Said amendment adopted.

Mr. Ockerman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	Goebel W. Newsom, Jr.
Walter J. Bailey	Herbert Fern	Foster Ockerman
John Rhea Banton	Cabell D. Francis	Louis T. Peniston
Clarence J. Barnum	W. L. Hadden	Edward D. Pollitte
Wallace Bartley	C. Ruby Harralson	Paul T. Ratcliffe
Charles E. Baumgardner, Sr.	George F. Harris	Jack Raybourne, Jr.
Owen Billington	Henry R. Heyburn	Hobart Rayburn
Leo A. Bleemel	Chester J. Holsclaw	Robert Reid
J. C. Bradley	William M. Horn	William A. Routh
Edward T. Breathitt, Jr.	William L. Jones	Cecil C. Sanders
Edward O. Bridgers	Talmage Lacy	W. R. Smith
John Young Brown	Harry King Lowman	Mrs. Thelma L. Stovall
Harry M. Caudill	Shelby McCallum	E. H. Stumbo
Cassius M. Clay	Ralph E. McClanahan	C. Waitman Taylor
William J. Conley	William E. Maglinger	Eulick Walsh
R. Josh Cosby	Damon Majors	Will Tom Wathen
Vernor O. Cottengim	William C. Mann	William B. Wells
W. Marvin Davis	Walter R. Moorman	Charles W. Wirsch
C. E. Dowell	Fred Morgan	Walker H. Wiseman
	Thomas J. Murphy	—58

Those who voted in the negative were—

Albert Dempsey	James Treadway	Dr. Clyde D. Wooton
Carl D. Melton		—4

Resolved that the title thereof be as aforesaid.

Mrs. Stovall moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 20. A JOINT RESOLUTION providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That the sum of twelve hundred dollars ($1,200.00) is hereby appropriated out of the Legislative Session Fund, one hundred and fifty dollars ($150.00) of which is to be paid to each of the following named ministers of Frankfort, Kentucky, for performing the duties of Chaplain for the General Assembly:

Eudell Milby, H. Glenn Stephens, E. W. Baxter, Edward L. Tullis, Fred T. Moffett, Father Joseph A. O'Dwyer, Robert J. Laughlin, and Paul S. Stauffer.

Sec. 2. That the Chief Clerk of the Senate shall certify this Resolution to the Commissioner of Finance, who shall draw his warrant upon the State Treasurer for the amounts above designated and the State Treasurer shall pay the same.

WHEREAS, all employees of the General Assembly have been promptly paid for their services and said ministers have been faithful in attending as chaplain, and are also entitled to prompt payment, an emergency is hereby declared to exist and this Resolution shall take effect from and after its passage and approval by the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
John L. Day
C. E. Dowell
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
George F. Harris
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Hobart Rayburn
Jack Raybourne, Jr.
William A. Routh
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
William B. Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

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There voted in the negative—

Albert Dempsey —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The Speaker having vacated the chair, Mr. Morgan became Speaker pro tem and assumed the chair.

ENROLLMENT COMMITTEE REPORT

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

H. B. No. 70. AN ACT relating to the Department of Military Affairs and the Active Militia of Kentucky.

H. B. No. 74. AN ACT relating to the National Guard of Kentucky.

H. B. No. 75. AN ACT relating to military law.

H. B. No. 86. AN ACT relating to meetings of board of commissioners in cities of the second, third and fourth classes having city manager form of government, etc.

H. B. No. 177. AN ACT relating to births and deaths.

H. B. No. 199. AN ACT relating to sheriffs' revenue bonds.

H. B. No. 201. AN ACT relating to excise taxation of amusement admissions.

H. B. No. 203. AN ACT relating to motor vehicle liability insurance.

H. B. No. 240. AN ACT relating to narcotic drugs.

H. B. No. 281. AN ACT relating to the compensation of

sheriffs in counties containing less than seventy-five thousand persons, etc.

H. B. No. 296. AN ACT relating to the Youth Authority, etc.

H. B. No. 298. AN ACT relating to the Department of Finance.

H. B. No. 308. AN ACT relating to airport zoning.

H. B. No. 310. AN ACT relating to claims allowed by courts payable from the State Treasury, etc.

H. B. No. 326. AN ACT relating to investments in real property by insurers.

H. B. No. 373. AN ACT relating to property taxation.

H. B. No. 379. AN ACT relating to federal lands within the Commonwealth.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bills to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time, the enrolling clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing a guest.

Said motion was agreed to.

Mr. Conley moved that Former Mayor of Louisville, the Honorable Wilson Wyatt, be given the privilege of the floor.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 85. AN ACT relating to statutory liens; and, amending section 376.200 of the Kentucky Revised Statutes.

With Senate Amendment by way of substitute attached thereto, as follows, viz:

Committee Substitute for H. B. No. 85. AN ACT relating to statutory liens; providing additional security for the payment of claims for labor, materials and supplies furnished for use on certain public works; prescribing the procedure for perfecting and enforcing liens to better secure the payment of such claims; defining the terms "labor", "materials," and supplies," as used in this Act; providing for the discharge of such liens on public funds by payment of such claims out of funds due the contractors; and, repealing all laws and parts of laws in conflict herewith to the extent of such conflict.

With the request that the House concur in said amendment by way of substitute.

H. B. No. 366. TEACHERS RETIREMENT ACT, an act amending, etc.

With Senate Amendment attached thereto as follows, viz:

Amendment No. 1—On page 1, section 1 (1) (b), line 12. Delete period at the end of sentence and substitute ", including revenue bonds."

With the request that the House concur in said amendment.

H. B. No. 322. TEACHERS' RETIREMENT ACT AN ACT AMENDING.

With Senate Amendment attached thereto as follows, viz:

Amendment No. 1—On page 4, section 5, line 1. By striking

therefrom the figures 1954 and adding in lieu thereof the figures 1956.

With the request that the House concur in said amendment.

H. B. No. 319. AN ACT relating to Teachers' Retirement, etc.

H. B. No. 28. AN ACT relating to special circuit judges of the Commonwealth of Kentucky.

H. B. No. 168. AN ACT relating to Inheritance and Estate taxes; etc.

H. B. No. 185. AN ACT relating to county alcoholic beverage control administrators.

H. B. No. 84. AN ACT relating to Mechanics' and Materialmen's Liens.

H. B. No. 393. AN ACT relating to per diem and expenses allowed members of county boards of education, etc.

H. B. No. 71. AN ACT relating to the hearing of criminal and penal cases, etc.

H. B. No. 142. AN ACT relating to the issuance of motor vehicle operators' licenses, etc.

H. B. No. 143. AN ACT relating to advance fees of circuit clerks, etc.

H. B. No. 280. AN ACT relating to transportation of malt beverages by distributors, etc.

H. B. No. 394. AN ACT relating to the terms of court in the Marshall County Circuit Court.

H. B. No. 273. AN ACT relating to amateur radio operators.

Ordered that said bills be delivered to the enrolling clerk.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 46. A JOINT RESOLUTION AUTHORIZING the personal representatives of Emmett Hutchinson, deceased, Thomas Hutchinson, Jr., deceased, Mrs. Rose Hutchinson, deceased, and Terry Hutchinson, deceased, each or all of them, of

Christian County, to sue the Commonwealth of Kentucky and the Department of Highways, either or both.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the personal representatives of Emmett Hutchinson, deceased, Thomas Hutchinson, Jr., deceased, Mrs. Rose Hutchinson, deceased, and Terry Hutchinson, deceased, each or all of them, be and they are hereby authorized, permitted and empowered to sue the Comomnwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate the estates of Emmett Hutchinson, deceased, Thomas Hutchinson, Jr., deceased, Mrs. Rose Hutchinson, deceased, and Terry Hutchinson, deceased, for the injuries and damages, if any, sustained by their respective estates as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, their agents, officers or employes, in maintaining the right of way and road markings along Kentucky State Highway Number 164 in Christion County, Kentucky.

Section 2. Each of said suits shall be for a sum not in excess of $20,000.00.

Section 3. That the actions herein authorized and permitted may be brought in the Christian Circuit Court, same being the circuit court having jurisdiction in Christian County, Kentucky, the county in which the damages and injuries were incurred. Said suits shall each be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said actions may appeal from any judgment which may be entered by the Christian Circuit Court to the Court of Appeals as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or com-

promised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Mr. McCallum offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, section 2, line 2, to read as follows: "of $10,000.00."

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 24. A RESOLUTION authorizing Lloyd Metcalf to sue the Commonwealth of Kentucky and the

Department of Conservation of Kentucky, or either of them.

Said Resolution is as follows, Viz:

WHEREAS, on or about October 31, 1952, Lloyd Metcalf of Bullitt County, Kentucky, was rendering service to the Commonwealth of Kentucky through the Department of Conservation by voluntarily answering the plea of the Department of Conservation for aid in combating the forest fires which were at that time ravaging the natural resources of our Commonwealth; and

WHEREAS, the Department of Conservation, as a result of the emergency which existed, allowed Lloyd Metcalf to remain on constant duty for several days and nights without proper rest; and

WHEREAS, the Commonwealth of Kentucky and the Department of Conservation were allegedly careless and negligent in allowing the emergency to come about and to continue to exist, thereby requiring Lloyd Metcalf to remain on duty in an exhausted state, and as the sole, direct and proximate result of the alleged carelessness and negligence aforesaid the said Lloyd Metcalf suffered serious and permanent bodily injuries and was caused to endure much pain and suffering; and

WHEREAS all of the injuries, expenses, damages and suffering heretofore set out were caused and produced by the alleged carelessness and negligence of the Department of Conservation, its agents, officers and employees, and the said Lloyd Metcalf was free of any negligence whatsoever which contributed to or in any manner brought about the injuries complained of,

NOW, THEREFORE:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Lloyd Metcalf is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Conservation, or either of them, in the Circuit Court held in and for Bullitt county, Kentucky, this being the county of his residence, and the county in which the injuries and dam-

ages complained of occurred, and the county where such injuries and damages were the direct and proximate result of the alleged carelessness and negligence of the Department of Conservation.

Section 2. The said suit of Lloyd Metcalf shall be for an amount not exceeding $2,500.00.

Section 3. The Attorney General of the Commonwealth of Kentucky may investigate these claims against the Commonwealth of Kentucky and the Department of Conservation, or either of them, and settle said claims before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by said settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 4. No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Department of Conservation, or either of them, and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with,

said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 29. A JOINT RESOLUTION authorizing the personal representative of the estate of Glinnis Louise Ezell, deceased, William Ezell, Mary Skinner, and the statutory guardian of Barbara Skinner, an infant, to sue the Department of Kentucky State Police and the Commonwealth of Kentucky, or either.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the personal representative of the estate of Glinnis Louise Ezell, deceased, William Ezell, Mary Skinner, and the statutory guardian of Barbara Skinner, an infant, be and they are hereby authorized, permitted and empowered to sue the Department of Kentucky State Police and the Commonwealth of Kentucky, or either, in such sum as will fairly and reasonably compensate the estate of Glinnis Louise Ezell, deceased, William Ezell, Mary Skinner, and the statutory guardian of Barbara Skinner, an infant, for the injuries and damages, if any, sustained by said estate and said persons as a direct and proximate result of the negligence, if any, of the Department of Kentucky State Police and the Commonwealth of Kentucky, and their agents or employes.

Section 2. Said suit by the personal representative of Glinnis Louise Ezell, deceased, shall be for a sum not in excess of twenty-five thousand dollars. Said suit on behalf of William Ezell shall be for a sum not in excess of twenty-five thousand dollars. Said suit on behalf of Mary Skinner shall be for a sum not in excess of twenty-five thousand dollars. Said suit on behalf of the statutory guardian of Barbara Skinner, an infant, shall be for a sum not in excess of six thousand dollars.

Section 3. That the action herein authorized and permitted may be brought in the Hopkins Circuit Court, same being the Circuit Court having jurisdiction in Hopkins County, Kentucky, the county in which the damages and injuries were incurred.

Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Hopkins Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	J. C. Bradley
Walter J. Bailey	Owen Billington	Edward T. Breathitt, Jr.
John Rhea Banton	Leo A. Bleemel	Edward O. Bridgers
Clarence J. Barnum	J. Murray Blue	John Young Brown

Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—69

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 37. A JOINT RESOLUTION authorizing Nannie Mae Kelly and her husband, Herbert Kelly, to sue the Commonwealth of Kentucky and the State Fair Board, or either of them.

Said Resolution is as follows, Viz:

WHEREAS, on or about September 12, 1952 Nannie Mae Kelly suffered serious and disabling injuries by reason of the

occurrence of a fire in the grandstand at the State Fairgrounds in Louisville and, as a result of those injuries her husband, Herbert Kelly, has lost her companionship and services and has been required to expend large sums for medical, hospital and nursing care for his wife; and

WHEREAS, there is considerable doubt as to whether the aforesaid fire and the injuries sustained by Nannie Mae Kelly as a consequence thereof were caused, brought about or contributed to by the joint and concurring negligence of the State Fair Board and Fairgrounds Speedway, Inc., the concern which had previously been in possession of the said grandstand under a lease from The State Fair Board, or whether the same were caused, brought about or contributed to solely by reason of the independent negligence of one or the other of them; and

WHEREAS, justice requires that the above question be litigated in one forum, which is impossible under existing law because Fairgrounds Speedway, Inc. cannot be made a party to the proceedings instituted by Nannie Mae Kelly and Herbert Kelly before the Kentucky Board of Claims and the State Fair Board can obtain a dismissal of the suit instituted by them against it in the Jefferson Circuit Court; and

WHEREAS, justice further requires that Nannie Mae Kelly and Herbert Kelly be adequately compensated for their injuries in the event the State Fair Board was negligent in bringing about the injuries which they have suffered, which cannot be accomplished under existing law by reason of the monetary limit placed upon the jurisdiction of the Board of Claims by Kentucky Revised Statutes, Section 44.070;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section I: That Nannie Mae Kelly be and she hereby is authorized and permitted to sue the Commonwealth of Kentucky and the State Fair Board, or either of them, in the Circuit Court of Jefferson County, Kentucky in such sum as will fairly and reasonably compensate her, but not to exceed the sum of $15,000.00, for such injuries and damages as she may have

sustained as a direct and proximate result of the negligence, if any, of the State Fair Board and the Commonwealth of Kentucky, through their agents and employees in causing, bringing about or contributing to the occurrence of a fire and the conditions created thereby on or about September 12, 1952 in the grandstand on the State Fairgrounds in Louisville.

Section II: That Herbert Kelly, husband of Nannie Mae Kelly, be and he hereby is authorized and permitted to sue the Commonwealth of Kentucky and the State Fair Board, or either of them, in the Circuit Court of Jefferson County, Kentucky in such sum as will fairly and reasonably compensate him, but not to exceed the sum of $5,000.00, for the loss of society, companionship and services of his wife and the amounts expended by him for medical, hospital and nursing care for her as a consequence of the injuries sustained by her on the occasion and under the circumstances set forth in Section I hereof,

Section III: That the statute of limitations shall not be pleaded by the Commonwealth or the State Fair Board as a defense to any suit brought pursuant to Section I or II hereof if such suit is instituted within six months after this act becomes effective.

Section IV: That the filing of a duly authenticated copy of this act with the Clerk of the Jefferson Circuit Court in the action previously instituted therein by Nannie Mae Kelly and Herbert Kelly against Fairgrounds Speedway, Inc. and the State Fair Board, together with a duly authenticated copy of an order of the Kentucky Board of Claims dismissing with prejudice the claims filed therein by Nannie Mae Kelly and Herbert Kelly shall constitute compliance in full with the requirements of this act, and no further action need be taken by Nannie Mae Kelly and Herbert Kelly in order to bring the Commonwealth of Kentucky and the State Fair Board before that court.

Section V: That any party to he actions mentioned in Sections I and II hereof may appeal from any judgment which may be rendered by the Jefferson Circuit Court to the Court of Appeals of Kentucky as in any other civil action, and the same may be settled and adjusted by and with the consent and approval of the Attorney General in the same manner and to the

same extent as any private civil action may be settled or adjusted. Any amounts recovered by way of judgment or compromise shall be paid by the Commissioner of Finance by warrant drawn upon the State Treasurer and paid out of the General Fund.

Section VI: No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth or the State Fair Board, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	J. C. Bradley
Walter J. Bailey	Owen Billington	Edward T. Breathitt, Jr.
John Rhea Banton	Leo A. Bleemel	Edward O. Bridgers
Clarence J. Barnum	J. Murray Blue	John Young Brown

Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—69

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 39. A JOINT RESOLUTION authorizing Ora Mae Kincheloe, personal representative of the estate of Grover Cleveland Kincheloe, Sr., deceased, of Warren County, to sue the Department of Education and the Commonwealth of Kentucky, or either.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Ora Mae Kincheloe, personal representative of the estate of Grover Cleveland Kincheloe, Sr., deceased, be and she is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Education thereof, either or both of them, in such sum as will fairly and reasonably compensate the estate of said Grover Cleveland Kincheloe, Sr., deceased for the injuries and damages, if any, sustained by said estate as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Education thereof, their agents and employes, in maintaining the gas system in the North Warren High School, Smith Grove, Warren County, Kentucky.

Section 2. Said suit shall be for a sum not in excess of $20,000.00

Section 3. That the action herein authorized and permitted may be brought in the Warren Circuit Court, same being the Circuit Court having jurisdiction in Warren County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Warren Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth or any of its officers, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	William J. Conley	William L. Jones
Walter J. Bailey	R. Josh Cosby	Jennings H. Kearby
John Rhea Banton	Vernor O. Cottengim	Talmage Lacy
Clarence J. Barnum	W. Marvin Davis	George H. Lovelace
Charles E. Baumgardner, Sr.	John L. Day	Shelby McCallum
Owen Billington	Albert Dempsey	Caleb McFadden
Leo A. Bleemel	C. E. Dowell	William E. Maglinger
J. Murray Blue	Harold Edmonds	Damon Majors
J. C. Bradley	Addison L. Everett	William C. Mann
Edward T. Breathitt, Jr.	Herbert Fern	Robert K. Montgomery
Edward O. Bridgers	Cabell D. Francis	Walter R. Moorman
John Young Brown	W. L. Hadden	Thomas J. Murphy
Harry M. Caudill	C. Ruby Harralson	Goebel W. Newsom, Jr.
Cassius M. Clay	George F. Harris	Foster Ockerman
Paul Cobb	David Heskamp	Louis T. Peniston
	Henry R. Heyburn	
	Lon C. Hill	
	Chester J. Holsclaw	

Edward D. Pollitte	W. R. Smith	William B. Wells
Roger E. Qualls	Mrs. Thelma L. Stovall	Mrs. Randolph Wilson
Paul T. Ratcliffe	E. H. Stumbo	Charles W. Wirsch
Hobart Rayburn	C. Waitman Taylor	Walker H. Wiseman
Robert Reid	Eulick Walsh	Dr. Clyde D. Wooton
William A. Routh	Will Tom Wathen	Paul E. Young
Cecil C. Sanders	W. W. Webster	
LeRoy Saylor		—69

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resoluion was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 40. A JOINT RESOLUTION authorizing Burton McGee the father and next friend of Stephen Edward McGee, a minor, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Burton McGee, father and next friend of Stephen Edward McGee, a minor, be and he is hereby authoried, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate said Stephen Edward McGee for the injuries and damages, if any, sustained by him as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, their agents and employes, in maintaining the right of way of U. S. Highway 23 in Lawrence County, Kentucky.

Section 2. The suit shall be for a sum not in excess of $50,300.

Section 3. That the action herein authorized and permitted may be brought in the Lawrence Circuit Court, same being the Circuit Court having jurisdiction in Lawrence County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this Resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Lawrence Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Sec. 5. No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with,

said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—69

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 42. A JOINT RESOLUTION authorizing Esker Bert Davis, of Kenton County, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Esker Bert Davis be and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate him for the damages and injuries, if any, suffered by him as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, their agents and employes, in maintaining the bridge over Banklick Creek in Covington, Kenton County, Kentucky.

Section 2. Said suit shall be for a sum not in excess of $15,000.00.

Section 3. That the action herein authorized and permitted may be brought in the Kenton Circuit Court, same being the Circuit Court having jurisdiction in Kenton County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Kenton Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged

or compromised shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence on the part of the Commonwealth, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Leo A. Bleemel	Cassius M. Clay
Walter J. Bailey	J. Murray Blue	Paul Cobb
John Rhea Banton	J. C. Bradley	William J. Conley
Clarence J. Barnum	Edward T. Breathitt, Jr.	R. Josh Cosby
Charles E. Baumgardner, Sr.	Edward O. Bridgers	Vernor O. Cottengim
Owen Billington	John Young Brown	W. Marvin Davis
	Harry M. Caudill	John L. Day
		Albert Dempsey

C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—69

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 62. A JOINT RESOLUTION authorizing James Daniel Chancey, of Jefferson County, to sue the Comomnwealth of Kentucky.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That James Daniel Chancey be and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky in such sum as will fairly and reasonably compensate him for the injuries and damages, if any, sustained

by him as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky, its agents, officers and employes, in the maintenance of the grounds and quarters used by members of the Kentucky National Guard while on active duty in Harlan County, Kentucky, in July, 1939.

Section 2. Said suit shall be for a sum not in excess of twenty-five thousand dollars.

Section 3. That the action herein authorized and permitted may be brought in the Franklin Circuit Court. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Franklin Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or the jury as an admission of negligence on the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 63. A JOINT RESOLUTION authorizing Pearl Troxel of Jefferson County to sue the Commonwealth of Kentucky and the Department of Mental Health, or either.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Pearl Troxel be and she is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Mental Health thereof, either or both of them, in such sum as will fairly and reasonably compensate her for the injuries and damages, if any, sustained by her as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Mental Health thereof, their agents, officers and employes, in carrying out their duties at Central State Hospital in Jefferson County, Kentucky.

Section 2. Said suit shall be for a sum not in excess of twenty-five thousand dollars.

Section 3. That the action hereby authorized may be brought in the name of the committee appointed for Pearl Troxel if her condition necessitates appointment of such committee prior to institution of the action hereby authorized.

Section 4. That the action herein authorized and permitted may be brought in the Jefferson Circuit Court, same being the circuit court having jurisdiction in Jefferson County, Kentucky, the county in which the injuries and damages were incurred. Said suit shall be commenced within one year from the effective

date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 5. That any party to said action may appeal from any judgment which may be entered by the Jefferson Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same manner as an civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 6. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—69

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 68. A JOINT RESOLUTION author-

izing Dr. R. H. Miller, of Louisville, Jefferson County, Kentucky, to sue the Commonwealth of Kentucky and the State Fair Board.

Said Resolution is as follows, Viz:

Whereas, on or about the 12th day of September, 1952 while Dr. R. H. Miller was present in the grandstand of the State Fair grounds for the purpose of witnessing a public exhibition held and promoted by the Commonwealth of Kentucky and the State Fair Board, having paid the admission price demanded by the Commonwealth of Kentucky and the State Fair Board, and having become a spectator occupying a seat along with other spectators in the grandstand, when a fire occurred in the grandstand, creating conditions whereby as a proximate result of said fire, Dr. R. H. Miller, suffered injuries and was severely and permanently injured and damaged in the total sum of Twenty-five Thousand Dollars ($25,000.00),

Whereas, it appears that the Commonwealth of Kentucky and the State Fair Board, or either, acting by and through their agents, servants and employees, may be responsible for said damages.

Now Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Dr. R. H. Miller of Louisville, Jefferson County, Kentucky, is hereby authorized to sue the Commonwealth of Kentucky and the State Fair Board, or either, in the Jefferson Circuit Court, for damages to his person resulting from the said fire in the grandstand at the State Fair grounds and the conditions created thereby and caused by the negligence on the part of the Commonwealth of Kentucky and the State Fair Board, or either, acting through their agents, servants and employees, who were then acting within the scope of their authority.

2. That said action shall be for a sum not in excess of Twenty-five Thousand Dollars ($25,000.00).

3. The attorney employed by the State Fair Board pursuant to Kentucky Revised Statute 12.210, if the State Fair Board has

such an attorney, or the Attorney General, whichever of said attorneys who may have the authority to appear and act as the attorney for the State Fair Board, may investigate the claim herein referred to and settle said claim before or after suit is filed, if in the opinion of said attorney, or the Attorney General, such settlement is for the best interest of the Commonwealth of Kentucky and the State Fair Board. Any sum recovered in said suit, or by settlement with said attorney, or the Attorney General, shall be paid out of the general fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

4. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this resolution shall be considered by either the Court or Jury as an admission of negligence upon the part of the Commonwealth of Kentucky or the State Fair Board, and this resolution shall not be introduced as evidence or commented upon by counsel in arguments to the Jury.

AFFIDAVIT

THIS affiant, R. H. Miller, first being duly sworn, proposes and says that on or about the 12th day of September, 1952, while a regular spectator in the grandstand of the State Fair ground in Louisville, Jefferson County, Kentucky, he was injured as a result of a fire in the grandstand; that he suffered damages through personal injuries in the amount of Twenty-five Thousand Dollars ($25,000.00); that he is seeking to sue the Commonwealth of Kentucky and the State Fair Board upon the ground that his injuries are the proximate result of the negligence of the servants, employees, and agents of the Commonwealth of Kentucky and of the State Fair Board; that he has petitioned and authorized Mr. Chester Holsclaw, a member of the House of Representatives, from the Thirty-sixth District to introduce a joint resolution authorizing this affiant to so sue the Commonwealth of Kentucky and the State Fair Board.

Dr. R. H. Miller, D.D.

Subscribed and sworn to before me by R. H. Miller this 24th day of February, 1954.

My commission expires June 2, 1957.

Elizabeth B. Owens
Notary Public
Jefferson County, Kentucky

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward T. Breathitt, Jr.	John L. Day
Walter J. Bailey	Edward O. Bridgers	Albert Dempsey
John Rhea Banton	John Young Brown	C. E. Dowell
Clarence J. Barnum	Harry M. Caudill	Harold Edmonds
Charles E. Baumgardner, Sr.	Cassius M. Clay	Addison L. Everett
Owen Billington	Paul Cobb	Herbert Fern
Leo A. Bleemel	William J. Conley	Cabell D. Francis
J. Murray Blue	R. Josh Cosby	W. L. Hadden
J. C. Bradley	Vernor O. Cottengim	C. Ruby Harralson
	W. Marvin Davis	George F. Harris
		David Heskamp

Henry R. Heyburn	Walter R. Moorman	Mrs. Thelma L. Stovall
Lon C. Hill	Thomas J. Murphy	E. H. Stumbo
Chester J. Holsclaw	Goebel W. Newsom, Jr.	C. Waitman Taylor
William L. Jones	Foster Ockerman	Eulick Walsh
Jennings H. Kearby	Louis T. Peniston	Will Tom Wathen
Talmage Lacy	Edward D. Pollitte	W. W. Webster
George H. Lovelace	Roger E. Qualls	Hicks Wells
Shelby McCallum	Paul T. Ratcliffe	Mrs. Randolph Wilson
Caleb McFadden	Hobart Rayburn	Charles W. Wirsch
William E. Maglinger	Robert Reid	Walker H. Wiseman
Damon Majors	William A. Routh	Dr. Clyde D. Wooton
William C. Mann	Cecil C. Sanders	Paul E. Young
Robert K. Montgomery	LeRoy Saylor	
	W. R. Smith	—69

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 71. A JOINT RESOLUTION authorizing Henry H. Meadows, of Boone County, to sue the Commonwealth of Kentucky and the Department of Highways thereof, or either.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Henry H. Meadows be and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate him for the injuries and damages, if any, sustained by him as a direct and proximate result of the negligence, if any,

of the Commonwealth of Kentucky and the Department of Highways thereof, their agents, officers and employes, in maintaining the bridge which spans Allen's Fork of Woolper Creek near Burlington, Kentucky on Kentucky State Highway Number 18.

Section 2. Said suit shall be for a sum not in excess of $30,000.00.

Section 3. That the action herein authorized and permitted may be brought in the Boone Circuit Court, same being the Circuit Court having jurisdiction in Boone County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Boone Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—69

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 74. A JOINT RESOLUTION authorizing Mrs. Emma McCoun and Mrs. Orene Swango Davis to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. That Mrs. Emma McCoun and Mrs. Orene Swango Davis are authorized to sue, either jointly or severally, the Commonwealth of Kentucky and the Department of Highways, or either, in the Wolfe Circuit Court, for damages resulting to each of them from personal injuries and medical expenses caused by alleged negligence of the Commonwealth of Kentucky and the Department of Highways in the construction and maintenance of Kentucky Highway No. 15 in Wolfe County, Kentucky, on or about March 27, 1952.

SECTION 2. Said suit, or suits, shall be for a sum or sums not to exceed Twenty-Five Thousand ($25,000.00) Dollars in each case.

SECTION 3. The Attorney General may investigate the claim or claims herein and settle each claim, or claims, before or after suit is filed, if he deems it advisable. Any amount recovered in said suit, or suits, or by settlement with the Attorney General, shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

SECTION 4. In the event suit or suits are filed and judg-

ment rendered by the Circuit Court, either party, or parties, may appeal to the Court of Appeals of Kentucky.

SECTION 5. No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

SECTION 6. No plea of limitations shall be interposed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	John Young Brown
Walter J. Bailey	Leo A. Bleemel	Harry M. Caudill
John Rhea Banton	J. Murray Blue	Cassius M. Clay
Clarence J. Barnum	J. C. Bradley	Paul Cobb
Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.	William J. Conley
	Edward O. Bridgers	R. Josh Cosby
		Vernor O. Cottengim

W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—69

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 80. A JOINT RESOLUTION authorizing Mrs. James Ernest Nantz to sue the Commonwealth of Kentucky and the State Tuberculosis Hospital Commission, or either.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Mrs. James Ernest Nantz be and she is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the State Tuberculosis Hospital

Commission thereof, either or both of them, in such sum as will fairly and reasonably compensate her for the injuries and damages, if any, sustained by her as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the State Tuberculosis Hospital Commission thereof, their agents, officers and employes, in operating and maintaining the equipment at the State Tuberculosis Sanatorium in London, Kentucky.

Section 2. Said suit shall be for a sum not in excess of fifteen thousand dollars.

Section 3. That the action herein authorized and permitted may be brought in the Laurel Circuit Court, same being the Circuit Court having jurisdiction in Laurel County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitation shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Laurel Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement on this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Shelby McCallum
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen

W. W. Webster	Charles W. Wirsch	Dr. Clyde D. Wooton
William B. Wells	Walker H. Wiseman	Paul E. Young
Mrs. Randolph Wilson		

—69

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

Mr. Mann moved that when the House adjourn, it adjourn to meet again at 9:00 P. M. Thursday, March 11, 1954.

Mr. Lowman moved to amend that motion, so that the House will meet at 9:30 A.M. Thursday, March 11, 1954, instead of 9:00 P. M.

Said motion, as amended, was agreed to by voice vote.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 73. A JOINT RESOLUTION memorializing Congress to enact an amendment to the Agricultural Adjustment Act.

Said resolution is as follows, viz:

WHEREAS, under the Agricultural Adjustment Act of 1938, as amended, 7 U.S.C. 1314(a), the penalty for marketing tobacco in excess of the marketing quota for the farm on which the tobacco is produced is forty percentum of the average market price for such tobacco for the immediately preceding market year; and

WHEREAS, experience in the marketing of tobacco under the provisions of said Act demonstrates that the existing penalty for marketing tobacco in excess of its assigned quota is not a sufficient deterrant to such marketing; and

WHEREAS, the marketing of tobacco in excess of its assigned quota has a seriously damaging effect upon the stability

of the tobacco industry and upon the prosperity of all persons engaged in such industry;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States be urged to enact appropriate legislation amending the Agricultural Adjustment Act of 1938, as amended, 7 U.S.C. 1314(a) so as to increase the penalty for marketing tobacco in excess of its assigned quota to sixty percentum of the average market price for such tobacco for the immediately preceding market year.

Section 2. That the Secretary of State send copies of this Joint Resolution to the Clerks of the Senate and House of Representatives of the Congress of the United States and to each United States Senator and Representative from Kentucky.

Mr. Lowman moved the adoption of H. Res. No. 73.

Said motion agreed to by voice vote.

Said resolution adopted.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 317. AN ACT relating to plumbers and plumbing, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) of section 318.010 of the Kentucky Revised Statutes is hereby amended to read as follows:

(2) The provisions of Chapter 318 of the Kentucky Revised Statutes shall apply only in counties containing a city of the first, second or third class.

Section 2. Section 318.030 of the Kentucky Revised Statutes is hereby amended to read as follows:

No person shall engage in or work at the trade of plumbing, either as a master plumber or a journeyman plumber, in any county containing a city of the first, second or third class, unless he has been licensed according to this chapter.

Section 3. Subsection (1) of section 318.090 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The board shall appoint a county plumbing inspector and any deputy county plumbing inspectors that it considers necessary to carry out Chapter 318 of the Kentucky Revised Statutes for each county containing a city of the first, second or third class.

Section 4. Section 318.110 of the Kentucky Revised Statutes is hereby amended to read as follows:

A company or individual principal may engage in the business of plumbing within a county containing a city of the first, second or third class, if some person connected with such a company or individual principal in responsible charge of the plumbing work is a licensed master plumber or journeyman plumber. Any master plumber, in responsible charge of plumbing work for a company or individual engaged in the plumbing business, shall notify the board at any time he severs his connection with the company or individual principal.

Section 5. Any city of the first, second or third class that, through municipal ordinances regulating the installation of plumbing, adopts the code promulgated by the board under KRS 318.130, may appoint a municipal plumbing inspector and deputy plumbing inspectors. The municipal inspector and deputy municipal inspectors shall have concurrent jurisdiction with the county plumbing inspector within the boundaries of the city, in the enforcement of Chapter 318 of the Kentucky Revised Statutes. At the time of their appointments the municipal plumbing inspector and deputy inspectors shall be either licensed master plumbers or licensed journeyman plumbers. Nothing in Chapter 318 of the Kentucky Revised Statutes shall prevent cities of the first, second or third class from collecting occupational license fees on either master or journeyman plumbers, or from collecting fees for the issuance of permits for the installation of plumbing fixtures.

Mr. Horn moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Lon C. Hill
Estill R. Hilton
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls

Paul T. Ratcliffe	Cecil C. Sanders	Mrs. Randolph Wilson
Jack Raybourne, Jr.	W. R. Smith	Charles W. Wirsch
Hobart Rayburn	Mrs. Thelma L. Stovall	Walker H. Wiseman
Robert Reid	Will Tom Wathen	Paul E. Young
William A. Routh		

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Resolved that the title thereof be as aforesaid.

Mr. Horn moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Burnley, the Speaker, resumed the chair.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 77. A JOINT RESOLUTION inviting Earl C. Clements to address a joint session of the General Assembly.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Senator Earl C. Clements be, and he hereby is respectfully invited to address a Joint Session of the General Assembly of the Commonwealth of Kentucky.

Section 2. That the President of the Senate and the Speaker of the House shall each appoint three members of their respective bodies to constitute a committee, the chairman of which shall be selected by its members, to extend to Senator Earl C. Clements an invitation to address a Joint Session of the General Assembly, and to fix the date and time for such a Joint Session.

Mr. Lowman moved the adoption of H. Res. No. 77.

Said motion was agreed to by voice vote.

Said resolution was adopted.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 69. A JOINT RESOLUTION inviting John Sherman Cooper to address a joint session of the General Assembly.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Senator John Sherman Cooper be, and he hereby is respectfully invited to address a Joint Session of the General Assembly of the Commonwealth of Kentucky.

Section 2. That the President of the Senate and the Speaker of the House shall each appoint three members of their respective bodies to constitute a committee, the chairman of which shall be selected by its members, to extend to Senator John Sherman Cooper an invitation to address a Joint Session of the General Assembly, and to fix the date and time for such a Joint Session.

Mr. Lowman moved the adoption of H. Res. No. 69.

Said motion was agreed to by voice vote.

Said resolution adopted.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 150. AN ACT relating to compensation of physicians employed by county, city-county and district health departments.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding the provisions of KRS 64.620, all physicians employed by county, city-county and district health departments may, upon written recommendation of the hiring and

paying authorities expressly approved in writing by the State Board of Health, receive compensation in excess of seven thousand two hundred dollars per annum but not more than twelve thousand dollars per annum as employes of local health units. Approval by the State Board of Health of compensation in excess of seven thousand two hundred dollars per annum shall be based upon studies made by said board of the duties and responsibilities of the positions, and upon a comparison with rates being paid for similar or comparable services elsewhere. The board may also take into consideration other appropriate factors, including the scarcity of physicians qualified for public health work and the availability of local funds therefor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Wallace Bartley	J. C. Bradley
Walter J. Bailey	Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.
John Rhea Banton	Owen Billington	Edward O. Bridgers
Clarence J. Barnum	Leo A. Bleemel	John Young Brown

William J. Conley	George H. Lovelace	Hobart Rayburn
W. Marvin Davis	Harry King Lowman	Robert Reid
C. E. Dowell	Shelby McCallum	William A. Routh
Harold Edmonds	Ralph E. Mc-Clanahan	Cecil C. Sanders
Addison L. Everett		W. R. Smith
Herbert Fern	Damon Majors	C. Waitman Taylor
Thomas P. Fitz-patrick	William C. Mann	Eulick Walsh
	Robert K. Mont-gomery	Will Tom Wathen
George F. Harris		W. W. Webster
David Heskamp	Walter R. Moorman	Morris Weintraub
Henry R. Heyburn	Thomas J. Murphy	William B. Wells
Estill R. Hilton	Goebel W. New-som, Jr.	Charles W. Wirsch
Chester J. Holsclaw		Walker H. Wiseman
William M. Horn	Foster Ockerman	Dr. Clyde D. Wooton
Jennings H. Kearby	Louis T. Peniston	Paul E. Young
Talmage Lacy	Roger E. Qualls	—55

Those who voted in the negative were—

J. Murray Blue	C. Ruby Harralson	Carl D. Melton
R. Josh Cosby	George R. Martin	James Treadway
Albert Dempsey		—7

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Clerk's desk a bill of the following title, viz:

House Bill No. 323. AN ACT relating to the disposition of persons convicted of crime in police courts in cities of the first and fourth classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 26.440 of the Kentucky Revised Statutes is amended to read as follows:

In cases of drunkenness or disorderly conduct, the police courts in cities of the fourth class may, in addition to imposing a fine, require the offender to give bond in a sum not exceeding one thousand dollars to keep the peace or be of good behavior for any period not exceeding one year. If the offender fails to give bond or fails to pay the fine, he shall be immediately committed to the workhouse, station house or county jail and kept in custody until bond is given or the time for which it was required has expired, and until the fine is paid or satisfied by labor.

Section 2. Section 26.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided by law, any person against whom a fine is imposed upon conviction of a misdemeanor in the police court of a city of the first class, or who is arrested under a capias pro fine for a violation of an ordinance of a city of the first class, shall, unless discharged by authority of law or by payment of such fine, be committed to the workhouse or county jail and shall be there detained, until the fine against him is paid or satisfied by his earnings by compulsory work, in or out of the workhouse or county jail, at such wages as may be prescribed by statute or by ordinance.

(2) Except as otherwise provided by law, any person sentenced to imprisonment upon conviction of a misdemeanor in the police court of a city of the first class shall, unless discharged by authority of law, be committed to the workhouse or county jail and shall be there detained at hard labor in or out of the workhouse or county jail, if hard labor is imposed under subsection (3) of this section, until the sentence has been served.

(3) When imprisonment is imposed by the judge or jury in the police court of a city of the first class, the judge or jury may direct whether or not the imprisonment shall be at hard labor, unless the statute imposing the penalty specifically prohibits the exercise of such discretion.

(4) In cases of drunkenness or disorderly conduct, the

police court of a city of the first class may, in addition to imposing a fine or imprisonment or both, require the offender upon conviction to give bond in a sum not exceeding one thousand dollars to keep the peace or be of good behavior for any period not exceeding one year. If the offender fails to give bond, he shall be immediately committed to the workhouse or county jail and kept in custody until the bond is given or the time for which it was required has expired.

(5) The jailer, or sheriff performing the duties of a jailer, of any county jail to which prisoners are committed at hard labor or to satisfy fines by compulsory work under subsections (1) or (2) of this section, may, by agreement with the city of the first class, provide for the adequate care, supervision, guarding, discipline, maintenance, transportation and housing of such prisoners while performing work or labor for the city outside the jail.

(6) The procedure established by subsection (5) of this section for placing at work prisoners confined in county jails at hard labor is not intended to supersede other procedures otherwise prescribed by statute for the same purpose, but is intended as an additional or alternative method therefor.

Mr. Lowman moved that the vote by which amendment No. 1 to H. B. No. 323 was adopted on March 9, 1954, be reconsidered.

Said motion was agreed to by voice vote.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Fred Morgan
Walter J. Bailey	W. L. Hadden	Thomas J. Murphy
John Rhea Banton	C. Ruby Harralson	Foster Ockerman
Clarence J. Barnum	George F. Harris	Roger E. Qualls
Charles E. Baumgardner, Sr.	David Heskamp	Paul T. Ratcliffe
Owen Billington	Henry R. Heyburn	Hobart Rayburn
Leo A. Bleemel	Estill R. Hilton	Robert Reid
Edward T. Breathitt, Jr.	Chester J. Holsclaw	William A. Routh
Edward O. Bridgers	William L. Jones	Cecil C. Sanders
John Young Brown	Jennings H. Kearby	W. R. Smith
William J. Conley	Talmage Lacy	Mrs. Thelma L. Stovall
R. Josh Cosby	James W. Lambert	C. Waitman Taylor
W. Marvin Davis	George H. Lovelace	Eulick Walsh
Albert Dempsey	Harry King Lowman	W. W. Webster
C. E. Dowell	Ralph E. McClanahan	William B. Wells
Harold Edmonds	Caleb McFadden	Mrs. Randolph Wilson
Addison L. Everett	Damon Majors	Charles W. Wirsch
Herbert Fern	William C. Mann	Walker H. Wiseman
Thomas P. Fitzpatrick	Carl D. Melton	Dr. Clyde D. Wooton
	Robert K. Montgomery	Paul E. Young
	Walter R. Moorman	—60

Those who voted in the negative were—

John L. Day	Louis T. Peniston	James Treadway
Lon C. Hill	LeRoy Saylor	—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Clerk's desk a bill of the following title, viz:

House Bill No. 321. AN ACT relating to airport boards and city-county air boards in counties containing a city of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any airport board and the joint city-county air board of a city of the first class and the county containing such city may, as an alternative method and in addition to all other methods provided by law, acquire, construct, maintain, add to and improve airports and airport facilities and issue revenue bonds in connection therewith under the terms and provisions of KRS Chapter 58 and under said law the term "Governmental agency" means the board and the term "public project" means airports and airport facilities.

With Committee Substitute attached thereto as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any airport board or any joint city-county air board of a city of the first class and of the county containing such city may, as an alternative method and in addition to all other methods provided by law, acquire, construct, maintain, add to and improve airports and airport facilities and issue revenue bonds in connection therewith under the terms and provisions of KRS Chapter 58 and under said law the term "Governmental agency" means the board and the term "public project" means airports and airport facilities; provided, however, that no such bonds shall be issued by any joint city-county air board of a city of the first class and the county containing such city without prior written approval of the mayor of such city and the county judge of such county.

Said Committee Substitute adopted on March 9, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	C. E. Dowell	Talmage Lacy
Walter J. Bailey	Harold Edmonds	James W. Lambert
John Rhea Banton	Addison L. Everett	George H. Lovelace
Clarence J. Barnum	Herbert Fern	Harry King Lowman
Charles E. Baumgardner, Sr.	Thomas P. Fitzpatrick	Ralph E. McClanahan
Owen Billington	Cabell D. Francis	Caleb McFadden
Leo A. Bleemel	W. L. Hadden	Damon Majors
Edward T. Breathitt, Jr.	C. Ruby Harralson	William C. Mann
Edward O. Bridgers	George F. Harris	Carl D. Melton
John Young Brown	David Heskamp	Robert K. Montgomery
William J. Conley	Henry R. Heyburn	Walter R. Moorman
R. Josh Cosby	Lon C. Hill	Fred Morgan
W. Marvin Davis	Estill R. Hilton	Thomas J. Murphy
Albert Dempsey	Chester J. Holsclaw	Foster Ockerman
	William L. Jones	Louis T. Peniston
	Jennings H. Kearby	

Roger E. Qualls	Mrs. Thelma L. Stovall	Mrs. Randolph Wilson
Paul T. Ratcliffe	C. Waitman Taylor	Charles W. Wirsch
Hobart Rayburn	Eulick Walsh	Walker H. Wiseman
Robert Reid	W. W. Webster	Dr. Clyde D. Wooton
William A. Routh	William B. Wells	Paul E. Young
Cecil C. Sanders		
W. R. Smith		—62

Those who voted in the negative were—

John L. Day	James Treadway	—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Clerk's desk a Resolution of the following title, viz:

House Resolution No. 350. AN ACT relating to the establishment of public pounds for animals in counties containing a city of the first class.

Said Resolution is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each city-county board of health created by KRS 212.350 shall establish, maintain and operate a public pound for animals in which, except as otherwise provided by law, shall be impounded all stray, vicious or diseased animals taken up or collected in such county, whether in incorporated or unincorporated areas, by any public officer or authority or by any other person. Each such board shall, throughout the county, including all municipalities therein, enforce all statutes, ordinances of cities, orders or resolutions of the fiscal court of the county and regulations of such board or any other governmental body or agency authorized to adopt such regulations, relating to the taking up, collection and impounding of stray, vicious or diseased animals. Each such board may promulgate

and enforce reasonable and necessary rules and regulations providing for the collection and impounding of such animals and governing the use and operation of such public pounds.

Section 2. Subsection (1) of section 83.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department of public safety shall be under the supervision and direction of a director of safety, and shall have exclusive control, under the city ordinances, of all matters relating to the division of the police department and the division of the fire department, the inspector of weights and measures, and such other matters as are provided by statute or ordinance. It shall cause the lawful ordinances of the city to be enforced and, whenever consistent with its own rules and the requirements of law, it shall furnish all information desired.

Section 3. Subsection (4) of section 95.170 of the Kentucky Revised Statutes is amended to read as follows:

(4) All animals stolen, strayed or lost that come into the possession of the property clerk shall be sent to a public pound located within the county in which the city is located.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said

Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	W. L. Hadden	Fred Morgan
Walter J. Bailey	C. Ruby Harralson	Thomas J. Murphy
John Rhea Banton	George F. Harris	Foster Ockerman
Clarence J. Barnum	David Heskamp	Louis T. Peniston
Charles E. Baumgardner, Sr.	Henry R. Heyburn	Roger E. Qualls
Owen Billington	Lon C. Hill	Paul T. Ratcliffe
Leo A. Bleemel	Estill R. Hilton	Hobart Rayburn
Edward T. Breathitt, Jr.	Chester J. Holsclaw	Robert Reid
Edward O. Bridgers	William L. Jones	William A. Routh
John Young Brown	Jennings H. Kearby	Cecil C. Sanders
William J. Conley	Talmage Lacy	W. R. Smith
W. Marvin Davis	James W. Lambert	Mrs. Thelma L. Stovall
Albert Dempsey	George H. Lovelace	C. Waitman Taylor
C. E. Dowell	Harry King Lowman	Eulick Walsh
Harold Edmonds	Ralph E. McClanahan	W. W. Webster
Addison L. Everett	Caleb McFadden	William B. Wells
Herbert Fern	Damon Majors	Mrs. Randolph Wilson
Thomas P. Fitzpatrick	William C. Mann	Charles W. Wirsch
Cabell D. Francis	George R. Martin	Walker H. Wiseman
	Robert K. Montgomery	Dr. Clyde D. Wooton
	Walter R. Moorman	Paul E. Young

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Those who voted in the negative were—

John L. Day	James Treadway	—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing bills.

Said motion was agreed to.

Bills of the following titles were introduced and ordered printed and referred, viz:

By Mr. Conley.

H. B. No. 517. AN ACT relating to compensation of city council members in cities of the fourth class, and amending subsection (3) of Section 86.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of Section 86.050 of the Kentucky Revised Statutes is amended to read as follows:

The members of the city council may receive such compensation as is fixed by ordinance.

By Mr. Major.

H. B. No. 518. AN ACT relating to taxation of amusement or entertainment admissions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 138.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (4) to (6) of this section, and in KRS 97.130, an excise tax shall be paid on the sale of admission to places of amusement or entertainment at the rate of five percent of any admission charge of forty-one cents or more.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 490. AN ACT relating to condemnation by the Department of Highways, and declaring an emergency.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 177.084, Kentucky Revised Statutes, is amended to read as follows:

Upon the application of the petitioner, and the filing of any necessary affidavits, the clerk of the court shall issue process against the owner to show cause why the petitioner does not have the right to condemn the lands, or the use and occupation thereof, and material sought to be condemned. The summons shall contain a statement of the amount of the award. The clerk shall make such orders as to non-residents and persons under disability as are required by the statutes and Rules of Civil Procedure in actions against them in circuit court, except that any Warning Order Attorney shall make his report at the first regular term of county court 20 days after appointment, and the case may proceed accordingly.

Section 2. Subsection (1) of Section 177.087, Kentucky Revised Statutes, is amended to read as follows:

(1) Within thirty days from the date of a judgment authorizing the petitioner to take possession of the land or material, an appeal may be taken to the circuit court by either or both parties by filing with the clerk of the circuit court a certified copy of the judgment, a statement of the parties to the appeal, and any exceptions the appellant has to the award made by the commissioner. No transcript shall be required to be filed by the appellant of other parts of the record, but when an appeal is filed, the clerk of the circuit court shall certify that fact to the clerk of the county court and the latter immediately shall transfer the original papers to the clerk of the circuit court. The statement of grounds of appeal of either party may be amended as provided in the Rules of Civil Procedure for the amendment of a pleading. The appeal shall be tried de novo, but shall be limited to the questions which are raised in the original exceptions or statement of the grounds of appeal, or as amended;

provided, however, that in any case where the road, bridge, or other structure has not been completed by the time the action ordinarily would stand for trial on appeal, either party may file an affidavit stating that fact, and the case shall not stand for trial until such project is completed, but no trial shall be delayed for this reason beyond two years from the date of filing said affidavit. All questions of fact pertaining to the amount of compensation to the owner or owners shall be determined by a jury, which jury, on the application of either party, shall be sent by the court in the charge of the sheriff, to view the land and material. Upon an appeal to the circuit court and after a jury trial therein, and if possession of the land and material condemned has not previously been taken by the condemnor, it may do so upon payment to the owners, or to the clerk of the circuit court, the amount of the compensation adjudged by the circuit court to be due the owners and by paying all costs of the action.

Section 3. WHEREAS, the construction season is about to begin, and this Act is needed to facilitate the acquisition of right-of-way before such construction begins,

NOW, THEREFORE, an emergency is declared to exist and this Act shall become effective immediately upon its passage by the General Assembly and approval by the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Addison L. Everett	Fred Morgan
Walter J. Bailey	Herbert Fern	Thomas J. Murphy
John Rhea Banton	Cabell D. Francis	Goebel W. Newsom, Jr.
Clarence J. Barnum	C. Ruby Harralson	Foster Ockerman
Wallace Bartley	George F. Harris	Louis T. Peniston
Charles E. Baumgardner, Sr.	David Heskamp	Paul T. Ratcliffe
Owen Billington	Henry R. Heyburn	Jack Raybourne, Jr.
Leo A. Bleemel	Lon C. Hill	Hobart Rayburn
J. Murray Blue	Estill R. Hilton	Robert Reid
J. C. Bradley	Chester J. Holsclaw	William A. Routh
Edward T. Breathitt, Jr.	William M. Horn	Cecil C. Sanders
Edward O. Bridgers	William L. Jones	W. R. Smith
John Young Brown	Jennings H. Kearby	Mrs. Thelma L. Stovall
Cassius M. Clay	Talmage Lacy	C. Waitman Taylor
William J. Conley	Harry King Lowman	Eulick Walsh
R. Josh Cosby	Shelby McCallum	Will Tom Wathen
Vernor O. Cottengim	Ralph E. McClanahan	W. W. Webster
W. Marvin Davis	Damon Majors	William B. Wells
Albert Dempsey	William C. Mann	Mrs. Randolph Wilson
C. E. Dowell	Carl D. Melton	Paul E. Young
Harold Edmonds	Robert K. Montgomery	—62

Those who voted in the negative were—

James W. Lambert	LeRoy Saylor	James Treadway
Caleb McFadden		—4

Resolved that the title be amended to read as follows: "This bill shall be known as the Jack Trimble Act." Mr. Newsom moved adoption of the title amendment. Said motion agreed to. Said amendment adopted.

Mr. Newsom moved that the vote by which said bill was

passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the House adjourn until 9:30 A. M. Thursday, March 11, 1954.

Said motion was agreed to.

And the House did then adjourn.

THURSDAY, MARCH 11, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend W. E. Milby, Pastor of the Church of the Nazarene, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Harry M. Caudill	George F. Harris
Walter J. Bailey	Cassius M. Clay	Harold G. Helm
John Rhea Banton	Paul Cobb	David Heskamp
Clarence J. Barnum	William J. Conley	Henry R. Heyburn
Wallace Bartley	R. Josh Cosby	Lon C. Hill
Charles E. Baumgardner, Sr.	Vernor O. Cottengim	Estill R. Hilton
Owen Billington	Charles W. Craig	Chester J. Holsclaw
Leo A. Bleemel	W. Marvin Davis	Varna Holt
J. Murray Blue	John L. Day	William M. Horn
J. C. Bradley	Albert Dempsey	William L. Jones
Edward T. Breathitt, Jr.	C. E. Dowell	Jennings H. Kearby
Edward O. Bridgers	Harold Edmonds	Talmage Lacy
John Young Brown	Addison L. Everett	James W. Lambert
Charles W. Buchanan	Herbert Fern	George H. Lovelace
	Thomas P. Fitzpatrick	Harry King Lowman
	Cabell D. Francis	Shelby McCallum
	W. L. Hadden	Ralph E. McClanahan

Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Lowman moved that the reading of the Journal of the proceedings of Wednesday, March 10, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate that they had passed bills and resolutions originating in that body as follows, viz:

S. Res. No. 58. A JOINT RESOLUTION memorializing the Congress of the United States to enact legislation for the protection of the fluorspar industry.

Said resolution is as follows, viz:

WHEREAS, the mining of fluorspar constitutes a major industrial activity of Livingston, Crittenden and Caldwell counties in this Commonwealth; and

WHEREAS, the existence of conditions which have a harmful effect upon the fluorspar mining industry as a whole would have a direct and harmful effect upon such industry in Kentucky

and hence, upon the economies of the counties aforementioned; and

WHEREAS, the low cost of labor in other countries wherein fluorspar is mined makes possible sale of it in the United States at a fraction of the price which domestic producers must obtain, with the result that imports of fluorspar have risen from thirty-eight and seven tenths percent of U. S. consumption in 1950 to sixty-one percent of such consumption in 1953; and

WHEREAS, increased importation of fluorspar has caused the closing of many mines in this country, including a large number of such mines in the counties of Kentucky, aforementioned; and

WHEREAS, the closing of such mines results in the flooding of the shafts and deterioration of supports to the extent that defense production in time of national emergency would be seriously hampered by a delay of from three to six months required for restoration of the mines to workable condition; and

WHEREAS, the closing of fluorspar mines in the counties of Kentucky of aforementioned has already had a serious and adverse effect upon the economies of said counties; and

WHEREAS, the domestic industry of fluorspar mining can be protected by the enactment of appropriate Federal legislation;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States be memorialized to protect the domestic industry of fluorspar mining by enacting legislation which would either establish quota restrictions on importation of fluorspar or would raise the existing tariff on fluorspar containing ninety-seven percent or more of C(a) F(2) to sixteen dollars and forty cents per gross ton and on fluorspar containing less than ninety-seven percent of C(a) F(2) to eight dollars and forty cents per gross ton.

Section 2. That the Clerk of the House of Representatives

be directed to forward copies of this Joint Resolution to the members of Congress from Kentucky and to the Clerks of the Senate and House of Representatives of the Congress of the United States.

S. Res. No. 10. A JOINT RESOLUTION naming Edwin Carlile Litsey the Poet Laureate of Kentucky.

Said resolution is as follows, viz:

WHEREAS, there is a vacancy in the position of Poet Laureate of Kentucky; and

WHEREAS, Edwin Carlile Litsey, a resident of Lebanon, Marion County, Kentucky has for more than sixty years been writing poetry of such merit as to gain for him five prizes in nationwide poetry contests; and

WHEREAS, Edwin Carlile Litsey has achieved great distinction by having twelve volumes of his work published, by having his work published in numerous magazines and broadcast over the radio; and

WHEREAS, Edwin Carlile Litsey is a Life Member of The Academic Society of International History of Paris, France, of The Arts Club of New York and of The Authors Club of London, England; and

WHEREAS, Edwin Carlile Litsey is a true scholar and gentleman and by his poetry has brought honor and glory to the City of Lebanon, to Marion County and to the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Edwin Carlile Litsey is hereby declared to be the Poet Laureate of Kentucky and that he is privileged to enjoy all the honors incidental thereto. It is expressly understood, however, that this declaration of distinction is an honorary one only and bears with it no financial obligation upon the Commonwealth of Kentucky.

Section 2. That the Secretary of State be, and he hereby is directed to forward a copy of this resolution, properly attested under the seal of the Commonwealth of Kentucky, and a suitable commission, also properly attested, to Edwin Carlile Litsey declaring him to be the Poet Laureate of Kentucky.

S. B. No. 13. AN ACT to amend and re-enact Section 145 of the Constitution of the Commonwealth of Kentucky.

Said bill is as follows, viz:

WHEREAS, in March, 1950, The Louisville Sand and Gravel Company, Louisville, Kentucky, furnished certain materials in the amount of $163.28 to the Department of Welfare, Commonwealth of Kentucky; and

WHEREAS, due to overshipment of said materials because of a duplication of shipping orders this account has never been paid,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Department of Welfare is authorized and directed to pay to The Louisville Sand and Gravel Company, of Louisville, Kentucky, out of any funds at the disposal of the Department, the sum of $163.28 for materials furnished.

Ordered that said bills and resolutions be printed and referred.

A message was received from the Senate that they had passed a bill originating in the House as follows, viz:

H. B. No. 436. AN ACT relating to regulation of the sale and distribution of commercial feeds.

Ordered that said bill be delivered to the enrolling clerk.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion agreed to.

Mr. Brown moved that Loretta Votow and Ronnie Watts be made honorary pages.

Said motion was agreed to.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. Res. No. 82. A JOINT RESOLUTION directing the Commissioner of Highways to name a principal highway of the Commonwealth the 149th Infantry Regiment Memorial Highway, to place suitable placques thereon, and to designate such highway on highway maps.

H. Res. No. 91. A JOINT RESOLUTION providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly, etc.

H. Res. No. 92. A JOINT RESOLUTION providing for the payment of compensation for the benefit of officers and employes of the Senate, House of Representatives, and the Statute Revision Commission for services rendered in connection with and related to the present session of the General Assembly, and declaring an emergency.

H. B. No. 507. AN ACT relating to motor transportation and motor vehicles.

H. B. No. 349. AN ACT relating to collection of taxes upon the property in any fire protection district, etc.

H. B. No. 506. AN ACT relating to the establishment of an electrical inspection board.

H. B. No. 510. AN ACT providing that public offices in counties containing a city of the first class may be closed on Saturday and adding a new section to the Kentucky Revised Statutes.

S. B. No. 175. AN ACT relating to authorized investment of trust funds; providing for accounting for profits; etc.

S. B. No. 226. AN ACT relating to the number of retail package liquor licenses and retail drink licenses permitted in cities of the first class.

S. B. No. 227. AN ACT relating to location of retail package liquor and retail drink licenses in cities of the first class.

S. B. No. 210. AN ACT relating to metropolitan sewer districts and the construction of sanitary sewers at cost of benefitted property in such district.

H. B. No. 348. AN ACT relating to pawnbrokers.

H. B. No. 353. AN ACT relating to detectives in counties containing a city of the second class.

H. B. No. 430. AN ACT relating to parental permission for minors under eighteen years of age to play pool, etc.

H. B. No. 359. AN ACT relating to Workmen's Compensation.

H. B. No. 82. AN ACT relating to the obtaining of credit for merchants.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills and resolutions be read for the second time by their titles only.

Said motion agreed to.

Whereupon said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. Burnley, Chairman of the Rules Committee, reported bills and resolutions of the following numbers, viz:

S. Res. 13, 17, 18, 22, 23, 29, 39; H. Res. 22, 45; H. B. 212, 282, 458, 242; H. Res. 53; H. B. 346, 335, 501, 119, 427.

As the Orders of the Day for consideration by the House.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 458. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals.

Said bill is as follows, Viz:

WHEREAS, it is required by Section 112 of the Constitu-

tion of Kentucky that the Judges of the Court of Appeals be paid an adequate compensation for their services; and

WHEREAS, this provision of the Constitution means that the compensation of the Judges shall be equal, and it was so held in the case of Stone v. Pryor, 45 S.W. 1053; and

WHEREAS, the General Assembly previously has determined that $12,000 is an adequate compensation for the services of Judges of the Court of Appeals, but existing legislation provides for the payment of such compensation only upon the commencement of new terms; with the result that one Judge of the Court of Appeals is now receiving the compensation so determined to be adequate, and commencing January 1, 1955, another Judge would commence to receive such compensation, but the other Judges with longer experience on the Court would continue for a period of years to receive an unequal and inadequate compensation;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The compensation of Judges of the Court of Appeals, payable out of the State Treasury, shall be $12,000 per annum for each Judge. The compensation of Commissioners of the Court of Appeals appointed pursuant to subsection (1) of KRS 21.150 shall be $10,800 per annum for each Commissioner.

Section 2. KRS 64.495 is repealed.

Section 3. This Act shall take effect on January 1, 1955.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Warren D. Williams
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Those who voted in the negative were—

Albert Dempsey Carl D. Melton LeRoy Saylor
Caleb McFadden —4

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 282. AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to compensation of prosecuting attorneys, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Constitution of the Commonwealth of Kentucky be amended relating to compensation of prosecuting attorneys, so that Section 98 thereof shall read as follows:

"Section 98. All prosecuting attorneys, Commonwealth, County or City, shall be compensated for their services in criminal proceedings by salary to be fixed in such manner as may be provided by law."

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

Mr. Breathitt moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
Carl D. Melton
Alton B. Mitchell
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen

W. W. Webster T. D. Winstead Dr. Clyde D. Wooton
Morris Weintraub Charles W. Wirsch Paul E. Young
Warren D. Williams Walker H. Wiseman —76

Those who voted in the negative were—

Albert Dempsey Robert K. Montgomery

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing bills.

Said motion agreed to.

A bill of the following title was introduced and ordered printed and referred, viz:

By Mr. Lowman.

H. B. No. 519. AN ACT relating to aerial spraying.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

"Aerial Applicator" means any person using aircraft in the spraying or dusting of crops or in applying any substance whatsoever to the earth by means of an aircraft in flight.

Section 2. (1) Every aerial applicator shall secure from the Department of Aeronautics a permit to engage in such activity.

(2) No permit shall be issued until the aerial applicator has:

(a) Filed an application on a form prescribed by the department;

(b) Filed with the department a bond in the amount of one thousand dollars signed by a corporate surety authorized to do business in Kentucky and conditioned that the aerial applicator will pay to any person whose crops are sprayed or dusted any damages resulting to said crops by reason of any wrongful or negligent application or selection of the dust or spray used. The applicant may post cash in lieu of the bond here required. The requirements of this subsection may be waived by the department where it is shown that the applicant has sufficient property in Kentucky subject to execution;

(c) Filed with the department a policy of public liability insurance issued by an insurance company authorized to do business in Kentucky. Such policy shall insure the applicant in an amount of not less than ten thousand dollars for damages to persons and five thousand dollars for damages to the property of others;

(d) Submitted to the inspection of the department the qualifications of all persons who will act as pilots of the aircraft to be operated under the permit. Such pilots must have a minimum of five hundred solo hours, seventy-five of which are in the same type aircraft to be used in making the application, and twenty-five hours of actual spraying experience, provided, however, a pilot may satisfy the requirements for actual spraying experience by taking five hours of dual simulated low flying from a qualified instructor;

(e) Submitted all of the aircraft to be used in the aerial applications to the inspection of the department and such aircraft has been found by the department to be reasonably adapted to and safe for operation. Aircraft shall be satisfactorily equipped with a positive shut off device at each discharge nozzle, which will absolutely prevent the dissemination of material on any portion of the terrain over which the flight is made other than the area being treated or sprayed.

Section 3. Each applicator must maintain a record of each application. The records may be inspected by officials of the department on demand. The department may, by regulation, require copies of such records and other pertinent information to be filed with the department.

Section 4. (1) Any applicant aggrieved by the action of the department under this Act may petition the department for a hearing. The department shall set such hearing at a reasonable time and place before the commissioner or a person designated by him to conduct the hearing, at which time the applicant may introduce evidence in his behalf; the department may introduce evidence; and any person found by the hearing officer to have an interest in the subject matter may be granted the right to intervene and introduce evidence.

(2) The order of the hearing officer shall be the final order of the department when approved in writing by the commissioner.

(3) Any permit granted shall designate the aircraft to be used and the personnel authorized to pilot the aircraft, and no other aircraft or pilot shall be used under such permit unless the change be endorsed upon the permit by the department.
Section 5. The department may revoke any permit for any violation of the provisions of KRS Chapter 183 or any regulation adopted by this department, or upon any ground upon which the application might have been denied. Revocation shall be by order of the department and shall be effective immediately. The order must, however, set a time and place for a hearing within ten days and a final order shall be entered as soon as practicable. Such order shall remain in force pending decision by the Franklin Circuit Court.

Section 6. Any person aggrieved by a final order of the department may appeal to the Franklin Circuit Court and to the Court of Appeals of Kentucky in the same manner set out in KRS 183.620.

Section 7. Whoever shall violate any provision of this Act or the rules and regulations thereunder shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment not more than thirty days, or both.

Mr. Burnley having vacated the Speaker's chair, Mr. Wathen assumed the chair as Speaker pro tem.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 247. AN ACT relating to state ad valorem taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.020 of the Kentucky Revised Statutes is hereby amended to read as follows:

An annual ad valorem tax for state purposes of five cents upon each one hundred dollars of value of all real property directed to be assessed for taxation, and five cents upon each one hundred dollars of value of all tobacco directed to be assessed for taxation, and twenty-five cents upon each one hundred dollars of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and twenty-five cents upon each one hundred dollars of value of unmanufactured agricultural products, except tobacco, and fifty cents upon each one hundred dollars of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320 and other sections providing a different tax rate for particular property.

Mr. Breathitt offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, section 1, line 10, to delete therefrom the words "twenty-five" and to insert in their place the word "five".

Said motion was agreed to.

Said amendment adopted.

Mr. Breathitt offered the following amendment and moved its adoption.

Amendment No. 2—On page 1, section 1, lines 11, and 12 and 13 to delete therefrom the word "except" on line 11 and the word "tobacco" on line 12 and the word "other" on line 13.

Said motion was agreed to.

Said amendment adopted.

Mr. Breathitt offered the following amendment and moved its adoption.

Amendment No. 3—On page 2, section new, line 17 to add thereto the following clause: "This Act shall become effective on September 1, 1956."

Said motion agreed to.

Said amendment adopted.

Mr. Breathitt moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.
Walter J. Bailey	Owen Billington	Edward O. Bridgers
John Rhea Banton	Leo A. Bleemel	John Young Brown
Clarence J. Barnum	J. Murray Blue	Charles W. Buchanan
Wallace Bartley	J. C. Bradley	

Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which asid bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

ENROLLMENT COMMITTEE REPORT

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, a resolution of the following title, viz:

S. Res. No. 20. A JOINT RESOLUTION providing for

payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

Thereupon, all other business was suspended, said resolution was read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of the Senate return said resolution to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 335. AN ACT amending KRS 412.070 relating to compensation and expenses of plaintiffs and their attorneys in class actions or in cases in which plaintiffs have a common interest.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 412.070 of the 1953 edition of the Kentucky Revised Statutes is repealed, and in lieu thereof is enacted the following section, to read and be numbered as follows:

412.070. In actions for the settlement of estates, or for the recovery of money or property held in joint tenancy, coparcenary, or as tenants in common, or for the recovery of money or property which has been illegally or improperly collected, withheld or converted, if one or more of the legatees, devisees, distributees or parties in interest has prosecuted for the benefit of others interested with him, and has been to trouble and expense in that connection, the court shall allow him his necessary expenses, and his attorney reasonable compensation for his services, in addition to the costs. This allowance shall be paid out of the funds recovered before distribution. The persons interested shall be given notice of the application for the allowance, provided, however, that if the court before whom the action is pending should determine that it is impracticable and too expensive to notify all of the parties individually, then by order of said court, personal notice may be dispensed with and in lieu

thereof, notice of the application shall be given by an advertisement in a newspaper of general circulation in the county in which the action is pending. Two such newspaper advertisements shall be required and said advertisements shall be at least seven (7) days apart.

The compensation herein provided for shall be authorized in actions now pending as well as actions hereafter instituted, provided that in actions now pending final orders and judgments have not been ordered and the fund has not come into actual being.

Mr. Weintraub moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	Charles W. Buchanan
Walter J. Bailey	Leo A. Bleemel	Harry M. Caudill
Clarence J. Barnum	J. C. Bradley	Cassius M. Clay
Wallace Bartley	Edward T. Breathitt, Jr.	Paul Cobb
Charles E. Baumgardner, Sr.	Edward O. Bridgers	William J. Conley
	John Young Brown	R. Josh Cosby

Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 212. AN ACT relating to the licensing of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before the owner or operator of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall apply for registration to the county clerk of the county in which he resides except if the motor vehicle is to be operated principally in a county other than the county of the owner's residence, the owner may apply for registration to the county clerk of the county in which the motor vehicle is to be principally operated. A motor vehicle last registered in another state and purchased by a person for operation in this state shall be first registered in this state by and in the name of the purchaser and not in the name of the seller. The application shall be retained by the clerk and shall be accompanied by:

(a) A bill of sale, if the application is for the registration of a new motor vehicle; or

(b) The owner's registration receipt, if the motor vehicle was last registered in this state; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a motor vehicle to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a motor vehicle to obtain a certificate of title or ownership.

After that, he shall register his motor vehicle on or before January 1 of each year. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

(2) If an owner, because of sickness or absence from the state is unable to renew the registration of his motor vehicle on or before January 1, he will be deemed to have complied with the law, if before operating the motor vehicle in this state he registers it at some later date and pays the fee for the full year, just as though he had renewed the registration on or before January 1. The owner shall file with the application an affidavit showing sickness or absence.

Section 2. Section 186.030 of the Kentucky Revised Statutes is amended to read as follows:

The application blank shall contain blank spaces for, and the applicant shall fill in, the owner's name and postoffice address, make of the vehicle, motor number or vehicle identification number, car or chassis number, if any, model and year model, motive power, style body, and, if the motor vehicle is a truck, designed for the transportation of property, the gross weight in pounds. The declared gross weight shall be the weight of the vehicle and the heaviest load that the vehicle will be used to carry at any time on the highways. Every application shall be accompanied by the appropriate fee.

Section 3. Subsection (1) of Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The annual registration fee for motor vehicles, including taxicabs, primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

Section 4. Section 186.160 of the Kentucky Revised Statutes is amended to read as follows:

No clerk shall receive an application for registration, nor register a motor vehicle, unless the motor vehicle bears a motor number or a vehicle identification number. If there is no motor number or vehicle identification number, or if the number is not plainly legible, the owner shall apply through the clerk to the department for a motor number or vehicle identification number, and when that number is assigned to the owner's motor vehicle the owner shall cause the number to be stamped on the motor with a steel die or in the space provided by manufacturer for vehicle identification number. That number shall thereafter be used by the owner in making registration or executing a bill of sale.

Section 5. Subsection (2) of Section 186.170 of the Kentucky Revised Statutes is amended to read as follows:

(2) The registration year shall be from January 1 to December 31; however, registration plates for the succeeding year may be displayed beginning December 15.

Section 6. Section 186.210 of the Kentucky Revised Statutes is amended to read as follows:

No person shall make any false statements in applications for registration, motor numbers, or vehicle identification numbers, or duplicates of receipts or plates. The penalty provided for violation of this section by KRS 186.990 shall be printed prominently on every form or blank used for these purposes and furnished by the department. No person shall use, display or keep registration plates or receipts that do not belong, or have not been issued, to him.

Section 7. The introductory phrase and subsections (2) and (4) of Section 186.240 of the Kentucky Revised Statutes are amended to read as follows:

It shall be the duty of the department to carry out the provisions of KRS 186.020 to 186.260 and in doing so shall:

(2) Keep a numerical record of all registration numbers issued in the state, for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor or vehicle identification numbers required by KRS 186.160.

(4) Annually estimate the quantity of plates, insignia, and other forms necessary for the succeeding year for each county in the state and said estimated quantity shall be delivered to the clerk in each county not later than November 1.

Mr. Breathitt moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members bers elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

John Rhea Banton
Clarence J. Barnum
Edward O. Bridgers
William J. Conley
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
Talmage Lacy
Shelby McCallum
Thomas J. Murphy
Goebel W. Newsom, Jr.
Robert Reid
Russell Reynolds
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
Eulick Walsh
Will Tom Wathen
Warren D. Williams
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Those who voted in the negative were—

Rev. Felix S. Anderson
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
James W. Lambert
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
William A. Routh
LeRoy Saylor
C. Waitman Taylor
James Treadway
W. W. Webster

Mrs. Randolph Wilson	Charles W. Wirsch	Dr. Clyde D. Wooton
	Walker H. Wiseman	Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the House reconsider the vote by which H. B. No. 212 was rejected, and that said bill be laid on the Clerk's desk.

Mr. Lowman and Mr Jones having requested roll call on said motion, the yeas and nays were taken as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Edward D. Pollitte
Walter J. Bailey	W. L. Hadden	Roger E. Qualls
John Rhea Banton	George F. Harris	Jack Raybourne, Jr.
Charles E. Baumgardner, Sr.	Estill R. Hilton	Hobart Rayburn
Owen Billington	Chester J. Holsclaw	Robert Reid
Leo A. Bleemel	William L. Jones	Russell Reynolds
J. Murray Blue	Jennings H. Kearby	William A. Routh
J. C. Bradley	Talmage Lacy	Cecil C. Sanders
Edward T. Breathitt, Jr.	George H. Lovelace	W. R. Smith
Edward O. Bridgers	Harry King Lowman	Mrs. Thelma L. Stovall
John Young Brown	Shelby McCallum	C. Waitman Taylor
Cassius M. Clay	Ralph E. McClanahan	Eulick Walsh
William J. Conley	William C. Mann	Will Tom Wathen
Vernor O. Cottengim	Robert K. Montgomery	W. W. Webster
W. Marvin Davis	Eddie J. Morris	Morris Weintraub
C. E. Dowell	Thomas J. Murphy	Warren D. Williams
Harold Edmonds	Goebel W. Newsom, Jr.	Mrs. Randolph Wilson
Addison L. Everett	Foster Ockerman	T. D. Winstead
Herbert Fern	Louis T. Peniston	Walker H. Wiseman
Thomas P. Fitzpatrick		Paul E. Young

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Those who voted in the negative were—

Charles W. Buchanan	Harry M. Caudill	R. Josh Cosby
	Paul Cobb	Charles W. Craig

John L. Day	James W. Lambert	Paul T. Ratcliffe
Albert Dempsey	Caleb McFadden	LeRoy Saylor
Harold G. Helm	Damon Majors	James Treadway
Henry R. Heyburn	George R. Martin	Charles W. Wirsch
Lon C. Hill	Carl D. Melton	Dr. Clyde D. Wooton
Varna Holt	Alton B. Mitchell	—22

Said motion was agreed to.

Said bill was laid on the Clerk's desk.

The Speaker, Mr. Burnley, resumed the chair.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 78. AN ACT relating to contracts and separate estate of married women, amending KRS 404.010.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 404.010, Kentucky Revised Statutes is hereby repealed, amended and reenacted so that as amended and reenacted it shall read as follows:

"(1) Marriage shall give to the husband, during the life of the wife, no estate or interest in the wife's property, real or personal, owned at the time or acquired after the marriage. During the existence of the marriage relation the wife shall hold and own all her estate to her separate and exclusive use, and free from the debts, liabilities or control of her husband.

"(2) A married woman shall never be the joint maker of a note or a surety on any bond or obligation of another other than her husband, without the joinder of her husband with her in making such contract unless her separate estate has been set apart for that purpose by mortgage or other conveyance. But a married woman's estate shall be liable for her debts and responsibilities contracted before marriage, and for such contracted after marriage, except as provided in this chapter and in Chapter 392."

Mr. Jones moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	R. Josh Cosby	Chester J. Holsclaw
Walter J. Bailey	Vernor O. Cottengim	Varna Holt
John Rhea Banton	Charles W. Craig	William L. Jones
Clarence J. Barnum	W. Marvin Davis	Jennings H. Kearby
Wallace Bartley	John L. Day	Talmage Lacy
Charles E. Baumgardner, Sr.	Albert Dempsey	George H. Lovelace
Owen Billington	C. E. Dowell	Harry King Lowman
Leo A. Bleemel	Harold Edmonds	Shelby McCallum
J. Murray Blue	Addison L. Everett	Ralph E. McClanahan
J. C. Bradley	Herbert Fern	Caleb McFadden
Edward O. Bridgers	Thomas P. Fitzpatrick	Damon Majors
Charles W. Buchanan	Cabell D. Francis	William C. Mann
Harry M. Caudill	W. L. Hadden	William J. Marcum
Cassius M. Clay	George F. Harris	Carl D. Melton
Paul Cobb	Harold G. Helm	Alton B. Mitchell
William J. Conley	David Heskamp	Robert K. Montgomery
	Lon C. Hill	Fred Morgan
	Estill R. Hilton	

Eddie J. Morris	Robert Reid	Will Tom Wathen
Thomas J. Murphy	Russell Reynolds	W. W. Webster
Goebel W. Newsom, Jr.	William A. Routh	Morris Weintraub
	Cecil C. Sanders	Warren D. Williams
Foster Ockerman	LeRoy Saylor	Mrs. Randolph Wilson
Louis T. Peniston	W. R. Smith	
Edward D. Pollitte	Mrs. Thelma L. Stovall	T. D. Winstead
Roger E. Qualls		Charles W. Wirsch
Paul T. Ratcliffe	C. Waitman Taylor	Walker H. Wiseman
Jack Raybourne, Jr.	James Treadway	Dr. Clyde D. Wooton
Hobart Rayburn	Eulick Walsh	Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing a bill.

Said motion agreed to.

The following bill was introduced and ordered printed and referred, viz:

By Mr. Clay.

H. B. No. 520. AN ACT pertaining to excise taxes or alcoholic beverages and amending Section 243.720 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.720 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2), there is levied upon the use, sale or distribution by sale or gift of distilled spirits a tax of one dollar and ninety-two cents on each wine gallon of

distilled spirits, and a proportional rate per gallon on all distilled spirits used, sold or distributed in any container of more or less than one gallon, but the rate of the excise tax on spirits in retail containers of one-half pint shall be twelve cents.

(2) Subsection (1) of this section shall not apply to alcoholic beverages consisting entirely of distilled spirits which have been aged in new charred oak barrels in unheated warehouses for not less than four nor more than twelve years nor to 100 proof distilled spirits in containers consisting entirely of 100 proof distilled spirits which have been aged in new charred oak barrels in unheated warehouses for not less than four nor more than twelve years, but there is levied upon the use, sale or distribution by sale or gift of such distilled spirits a tax of one dollar and twenty-eight cents on each wine gallon of distilled spirits and a proportional rate per gallon on all such distilled spirits used, sold or distributed in any container of more or less than one gallon, but the rate of the excise tax on such spirits in retail containers of one-half pint shall be eight cents.

(3) There is levied upon the use, sale or distribution by sale or gift of wine, a tax of fifty cents on each gallon of wine, and a proportional rate per gallon on the wine used, sold or distributed in any container of more or less than one gallon, but in no event shall the tax be less than two cents on the sale or distribution of any retail container of wine.

(4) There is levied upon the sale or distribution by sale or gift of malt beverages an excise tax of two dollars and fifty cents on each barrel of thirty-one gallons and a proportional rate per gallon on malt beverages sold or distributed in any container of more or less than thirty-one gallons.

(5) This section shall not apply to:

(a) Wine manufactured, sold, given away or distributed and used solely for sacramental purposes; or

(b) Distilled spirits and wine purchased by holders of special licenses provided for in KRS 243.320 and 243.330 and purchased and used in the manner authorized by those licenses.

Mr. Lowman moved that the House adjourn until 3:00 P. M. Friday, March 12, 1954.

Said motion was agreed to.

And the House did then adjourn.

FRIDAY, MARCH 12, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend W. E. Milby, Pastor of the Church of the Nazarene, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
William C. Mann
Carl D. Melton
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
James Treadway
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead

Charles W. Wirsch Paul E. Young Charles W. Burnley,
Walker H. Wiseman Speaker

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Mr. Lowman moved that the reading of the Journal of the proceedings of Thursday, March 11, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

ENROLLMENT COMMITTEE REPORT

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bill of the following title, viz:

S. B. No. 78. AN ACT relating to contracts and separate estate of married women, amending KRS 404.010.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of the Senate return said bill to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills and resolutions originating in that body, as follows, viz:

S. Res. No. 48. A JOINT RESOLUTION authorizing Sibbie Caskey Perkins of Rowan County, Kentucky to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sibbie Caskey Perkins is authorized to sue the Commonwealth of Kentucky and the Department of Highways of

Kentucky, or either, in the Rowan Circuit Court for damages resulting from property damages caused by alleged negligence on the part of the employees of the Department of Highways of Kentucky while said employees were in the line of duty as employees of the Commonwealth.

Said suit shall be for a sum not in excess of $10,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle same before or after suit is filed, if he deems it advisable.

Any amount recovered in said suits or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

S. Res. No. 49. A JOINT RESOLUTION authorizing Mrs. Emma McCoun and Mrs. Orene Swango Davis to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. That Mrs. Emma McCoun and Mrs. Orene Swango Davis are authorized to sue, either jointly or severally, the Commonwealth of Kentucky and the Department of Highways, or either, in the Wolfe Circuit Court, for damages resulting to each of them from personal injuries and medical expenses caused by alleged negligence of the Commonwealth

of Kentucky and the Department of Highways in the construction and maintenance of Kentucky Highway No. 15 in Wolfe County, Kentucky, on or about March 27, 1952.

SECTION 2. Said suit, or suits, shall be for a sum or sums not to exceed Fifteen Thousand ($15,000.00) Dollars in each case.

SECTION 3. The Attorney General may investigate the claim or claims herein and settle each claim, or claims, before or after suit is filed, if he deems it advisable. Any amount recovered in said suit, or suits, or by settlement with the Attorney General, shall be paid out of the Road Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

SECTION 4. In the event suit or suits are filed and judgment rendered by the Circuit Court, either party, or parties, may appeal to the Court of Appeals of Kentucky.

SECTION 5. No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

SECTION 6. No plea of limitations shall be interposed.

S. Res. No. 50. A JOINT RESOLUTION authorizing C. M. Conley and Margaret Conley to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That C. M. Conley and Margaret Conley be and they are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate them for the injuries and damages, if any, sustained by them as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, either or both,

their agents, officers and employes, in construction of the by-pass to U. S. Highway No. 45 at Fulton, Fulton county, Kentucky, and the approach of Fairview Avenue at Fulton, Fulton county, Kentucky.

Section 2. Said suit shall be for a sum not in excess of $15,000.00

Section 3. That the action herein authorized and permitted may be brought in the Fulton Circuit Court, same being the Circuit Court having jurisdiction in Fulton county, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Fulton Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced in evidence, nor commented upon by counsel in argument to the jury.

S. Res. No. 52. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission, etc.

Said resolution is as follows, viz:

WHEREAS, the present courts and judicial system of the Commonwealth of Kentucky were provided for by the present Constitution of Kentucky as embodied in Sections 109-144 inclusive, adopted in 1891; and

WHEREAS, no substantial change has been made in same since said time; and

WHEREAS, litigation in the state has increased in volume and complexity; and

WHEREAS, the Court of Appeals has more cases to dispose of than any other court of last resort in the United States; and

WHEREAS, many of such cases do not present any questions of novel or sufficient importance to justify appellate review; and

WHEREAS, there are many cases disposed of or pending in the Court of Appeals that could or should have been disposed of by review in a court of lesser importance; and

WHEREAS, the dockets of many circuit courts are congested resulting in unreasonable delay in the disposition of litigation and in undue cost to the litigants;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission, in cooperation, and by and with the advice and counsel of the Judicial Council, the Kentucky State Bar Association, and the members of any special citizens committee which the Governor may see fit to appoint for that purpose, is authorized and directed to make a careful and impartial study of the Judicial Department of the Commonwealth of Kentucky with particular respect to the various problems suggested in the preamble of this joint resolution and any related problem.

Section 2. That the Legislative Research Commission shall report to the next regular session of the General Assembly its findings and recommendations with respect to such matters as it deems essential to its study, including the following:

(1) Whether or not it is desirable and feasible to establish a court of intermediate appeals to review or try de novo cases tried in the court of original jurisdiction and to provide for appeals to an appellate court now designated as the Court of Appeals;

(2) Whether or not it is desirable and feasible to establish

in each county one court of original jurisdiction with continuous term and sufficient judges or commissioners for said purpose to hear and try all cases and matters of original jurisdiction; and

(3) Whether or not it is desirable and feasible to abolish all court and judicial functions of the present county judge and to combine same with said court of original jurisdiction mentioned above.

S. Res. No. 46. RESOLUTION authorizing Dewey Rice, individually, the personal representative of Wilma Rice, the stautory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend ow Prichard Rice, to sue the Commonwealth of Kentucky and the State Highway Department of Kentucky or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Dewey Rice, individually, the personal representative of Wilma Rice (the deceased wife of Dewey Rice), the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice, be, and they are hereby authorized, empowered and permitted by Dewey Rice, individually, the personal representative of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice to sue the Commonwealth of Kentucky and the State Highway Department of Kentucky or either, in Carter Circuit Court, for such damages as they may have sustained, if any, by reason of injury to the person of Dewey Rice, Dewey Rice, Jr., and Prichard Rice, and the death of Wilma Rice caused by the unsafe condition of U. S. 60 in Carter County, Kentucky, and the negligence of the highway department, its agents, servants and employees, and in the event of any judgment or judgments should be recovered by the said Dewey Rice, individually, the personal representative of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice, the same shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance by warrant drawn upon the State Treasurer. In event suit is filed and judgment ren-

dered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky. No statement in this resolution shall be considered by either the court or the jury as an admission of negligence on the part of the Commonwealth for the State Highway Department, and this resolution shall not be introduced as evidence, nor commented upon in argument to the jury.

Any action filed by Dewey Rice shall not exceed the sum of Ten Thousand ($10,000.00) Dollars, and any action filed by the personal representative of Wilma Rice shall not exceed the sum of Ten Thousand ($10,000.00) Dollars, and any action filed by the statutory guardian or next friend of Dewey Rice, Jr., and Prichard Rice shall not exceed the sum of Twenty-Five Hundred ($2500.00) Dollars.

S. B. No. 185. AN ACT relating to the licensing of historic motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any motor vehicle which is more than thirty years old, and which is owned solely as a collectors item and used for participation in club activities, exhibitions, tours, parades and like uses, but in no event used for general transportation, shall be considered a historic motor vehicle.

Section 2. The owner of a historic motor vehicle shall pay a license fee of ten dollars, and shall execute an affidavit before the county clerk that the vehicle for which license is requested is owned and operated solely for the purposes stated in section 1 of this Act, and that said vehicle has been inspected and found safe to operate on the highways in this Commonwealth.

Section 3. The registration certificate issued to the owner of a historical motor vehicle shall not specify the weight of such vehicle. The license plates issued to such owner shall be in all respects similar to the regular license plates then being issued with the exception that the name of the County be deleted from the plate and in its place be substituted the phrase "HISTORIC CAR," the letters being the same size as those

being currently used for printing the names of the various Counties. Such license shall be valid, without renewal, as long as the car exists. The license plates are to be issued only for the applicants use on such historical motor vehicle, and in the event of a transfer of title the transferor must surrender the plates issued to him. The Commissioner of Revenue shall have the power to revoke any license plates issued under this Act, for cause shown and after hearing.

S. B. No. 198. AN ACT relating to zoning and planning in cities of the first class and counties containing such cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 100.067 of the Kentucky Revised Statutes is amended to read as follows:

(1) For the aforesaid purposes, the legislative body of such city and the fiscal court of such county, respectively, are hereby empowered to regulate, within their respective jurisdictions, the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of lot area which may be occupied by buildings or structures, the size of yards, courts and other open spaces, building setback lines on streets and highways, and the future location and width of streets, whether public or private, and highways, the density of population, the erection, use and occupancy of buildings or structures, and the use of land, for trade, industry or residence, or other purposes. Except as to said setback lines and the future location and width of streets and highways, the foregoing enumeration of powers shall not apply to land used solely for agricultural, farming, dairying, stockraising or similar purposes, nor buildings nor structures thereon, but if any portion of any such land or any building or structure on such land is used for commercial or business purposes then that portion of the land and any such building or structure shall be subject to all of the above regulations.

Section 2. Subsection (1) of section 100.093 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person owning land composing a subdivision, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within such subdivision by reference to, or exhibition of, or by any other use of a plat of such subdivision, before such plat has been approved, filed and recorded as provided in KRS 100.088 to 100.092. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but any and all rights of such purchaser to damages, if any, are hereby preserved.

S. B. No. 203. AN ACT relating to public securities and authorizing the execution thereof by facsimile signatures and seals, providing at least one signature thereon shall be manually subscribed.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Public securities heretofore or hereafter authorized to be issued and delivered at any one time in a principal amount of Five Million Dollars ($5,000,000) or more may be executed with an engraved, imprinted, stamped or otherwise reproduced facsimile of any signature, seal or other means of authentication, certification or endorsement required or permitted to be recorded thereon, if so authorized by the board, body or officer empowered by law to authorize the issuance of such securities, provided that at least one signature required or permitted to be placed thereon shall be manually subscribed.

Section 2. The words "public securities" as used herein shall mean bonds, notes or other obligations for the payment of money issued by this State, by its political subdivisions, or by any department, agency or other instrumentality of this State or of any of its political subdivisions.

Section 3. This Act shall not repeal any other law authorizing the execution of public securities with facsimile signatures or seals.

S. B. No. 234. AN ACT relating to filing of public works and franchise ordinances, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 89.230 of the Kentucky Revised Statutes is amended to read as follows:

Every ordinance or resolution ordering the construction or reconstruction of any street or sewer in a city of the second or fourth class, or any public work in a city of the third class, or making or authorizing any contract involving the expenditure of more than one thousand dollars in a city of the second class, five hundred dollars in a city of the third class, or five hundred dollars in a city of the fourth class, or granting any franchise or the right to use or occupy the streets, highways, bridges or public places of the city for any except a merely temporary purpose shall, after its introduction and before its adoption, remain on file at least one week for public inspection in the completed form in which it shall be put upon its final passage. No such ordinance or resolution shall go into effect until the expiration of ten days after its passage, except when, in case of emergency, the public health or safety requires that it take immediate effect. The fact of emergency shall be declared by the unanimous vote of the board of commissioners.

S. B. No. 235. AN ACT relating to metropolitan sewer districts, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That a new section or sections be added to Chapter 76, Kentucky Revised Statutes, reading as follows:

(1) In any part of a metropolitan sewer district which does not have adequate surface drainage, the board of such district may determine that drains are necessary for the health, convenience or comfort of the residents or the improvement of the land within the designated area.

(2) Any resolution or other action by such board shall

describe the territory in which such surface drainage is planned, and shall state what kind of improvements are to be made.

(3) If the proposed improvement is to be constructed in whole or in part within the limits of a city of the first or second class, the action taken by the board of the metropolitan sewer district shall, as to the territory within such city, be submitted to the legislative body of such city for approval, disapproval or reference back to the metropolitan sewer district for modification.

(4) If the proposed improvement is to be constructed in whole or in part outside the limits of such city of the first or second class, the action taken by the board of the metropolitan sewer district shall, as to the territory outside such city, be submitted to the fiscal court of the county where said metropolitan sewer district is located, for approval, disapproval or reference back to the metropolitan sewer district for modification.

(5) If the proposed improvement is disapproved in part by either such legislative body or such fiscal court, the board of the metropolitan sewer district shall reconsider the action taken and determine whether or not it will construct the proposed improvement as changed, and report its action to said legislative body or fiscal court. If such proposed improvement includes territory both inside the city and in the county outside the city, the metropolitan sewer district shall also report such action to the other approving agency, legislative body of such city or fiscal court, so that such agency can if it so desires, withdraw its approval within ten days from such notification.

(6) The cost of the proposed improvement shall include all construction work within the designated territory (except on private property), any rights of way or other property needed in connection therewith, supervision costs and the cost of constructing facilities to connect the proposed improvement with the drainage system of such metropolitan sewer district.

(7) When construction of any drainage improvement has been approved by all required agencies, the board of the metropolitan sewer district shall cause notice of the proposed improvement to be published three times in a paper of general circulation in the territory designated and cause notices to be posted in

three public places in said territory, describing the territory included and the improvement to be made.

Any owners of property in the designated territory shall have ten days from the date of publication of the third newspaper notice within which to file written objections to the proposed improvement. If any objections are filed, the metropolitan sewer district shall hold hearings thereon promptly with notice to the persons filing objections, and decide as to whether any of said objections require a change or discontinuance of any part of the proposed improvement. If any change is made, the action of the metropolitan sewer district shall again be submitted to the approving agencies.

(8) When a final decision by the board of any metropolitan sewer district, and approving action by the agencies authorized to make such approval, have been made, notice by registered mail shall be given by said board to any and all persons who filed written objections to said improvement, or any part thereof. The person or persons who had filed objections shall then have fifteen days from the mailing of such notice within which to file in the county court of the county in which the metropolitan sewer district is located, an appeal from the final action taken with reference to construction of said improvement. From any judgment of the county court, an appeal may be taken to the circuit court of said county and to the Court of Appeals.

(9) When any drainage improvement has been authorized by the board of a metropolitan sewer district and been approved by all necessary approving agencies, the metropolitan sewer district shall classify the land in the designated area with reference to the benefit it will receive from construction of the improvement. In making such classification the metropolitan sewer district shall consider the degree of wetness of the land, its proximity to the improvement or any natural outlet, the fertility of the soil, the pervious condition of the surface of the land and other facts and benefits from feasible uses of the land. The land benefited, other than impervious areas, may be separated into three classes. The land receiving the highest benefit shall be marked "Class A"; that receiving the next highest benefit "Class

B"; that receiving the smallest benefit "Class C". The scale of assessment shall be in the ratio of three, two and one.

Impervious areas shall be classed as "Class AA" and may be assessed in excess of property in "Class A", computed in accordance with established engineering standards, but not greater than double the assessment of "Class A" land.

(10) After a metropolitan sewer district has made a classification of the property within any area in which a drainage improvement has been approved, said metropolitan sewer district shall prepare benefit rolls for inspection by interested persons and keep same available in said district's offices.

Said metropolitan sewer district shall then cause notices of the preparation and existence of the benefit rolls to be published three times in a newspaper of general circulation in the territory designated and cause notices of same to be posted in three public places in said territory. Any owners of property in the designated territory shall have ten days from the date of publication of the third newspaper notice within which to file written objections to the classification. If any objections are filed, the metropolitan sewer district shall hold hearings thereon promptly, after notice to the persons filing objections, and pass upon said objections as promptly as practicable.

(11) After the metropolitan sewer district has decided all questions raised as to objections as to classifications of land, notices by registered mail shall be given to interested parties as to any action taken adverse to the objections made by such parties. The person or persons who had filed objections shall then have fifteen days from the mailing of such notice or notices within which to file in the county court of the county in which the metropolitan sewer district is located, an appeal from the action taken with reference to the classification of the land. Said appeal shall be filed in the same proceding in the county court in which any appeal thereto may have been made from the action of the metropolitan sewer district authorizing said improvement, if any such appeal was filed.

Appeals may be taken from the county court to the circuit court and the circuit court to the court of appeals.

(12) When the classification rolls have been completed, or completed except for particular classifications that may have been appealed, the metropolitan sewer district shall file in the office of the county clerk of the county where said metropolitan sewer district is located, a copy of said classification rolls. As soon as appeals from the classifications have been determined, with any further classifications authorized, a supplemental roll shall be filed showing such additional classifications.

(13) The cost of any drainage improvement shall be apportioned to the land in the designated area upon the basis of the benefits for real estate in each of said classes on an area basis in each classification. The apportionment for each property owner shall be computed by the metropolitan sewer district.

(14) In September of each year, a metropolitan sewer district which has constructed any drains under the assessment provisions of this Chapter, shall certify to the sheriff of such county in which the district is located, the amount of the assessment due from any owner of property within the county. The drainage assessments shall be collected at the same time as state and county taxes.

(15) All drainage assessments provided for in this Chapter, together with the interest thereon, any penalties for default in payment thereof, and all costs of collection shall, from the date of the filing of the assessment regulation in the office of the county clerk until paid, constitute a lien superior to all other liens except the liens for state, county, city, school and road taxes.

S. B. No. 236. AN ACT relating to loan and investment companies, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 291.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any five or more persons may organize a loan and investment company in cities of the first, second, third, fourth

and fifth class upon the terms and conditions and subject to the liabilities prescribed in KRS 291.120 and 291.160.

(2) The name of the company may contain the words "industrial bank." It shall not be necessary for any such company to use the word "incorporated" in addition to its corporate name, either in its place of business or on any printed or advertising matter.

(3) The capital stock of any such loan and investment company shall not be less than $25,000 if located in a city of the first, second or third class or less than $12,500 if located in a city of the fourth or fifth class. Fifty percent of the capital stock shall be paid in cash before the company may transact any business other than relating to its formation and organization, and the remainder of the capital stock shall be paid in in money within one year after the company is authorized to commence business at such times and in such amounts as the directors require.

Ordered that said bills and resolutions be printed and referred.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing guests.

Said motion agreed to.

Mr. Reynolds moved that Talmagene Lacy and Gardner Lacy be made honorary pages.

Said motion agreed to.

Mr. Ockerman moved that Nancy Hall be made an honorary page.

Said motion was agreed to.

ENROLLMENT COMMITTEE REPORT

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

H. B. No. 28. AN ACT relating to special circuit judges of the Commonwealth of Kentucky.

H. B. No. 71. AN ACT relating to the hearing of criminal and penal cases, etc.

H. B. No. 84. AN ACT relating to Mechanics' and Materialmen's Liens.

H. B. No. 142. AN ACT relating to the issuance of motor vehicle operators' licenses, etc.

H. B. No. 143. AN ACT relating to advance fees of circuit clerks. etc.

H. B. No. 168. AN ACT relating to Inheritance and Estate Taxes; etc.

H. B. No. 185. AN ACT relating to county alcoholic beverage control administrators.

H. B. No. 273. AN ACT relating to amateur radio operators.

H. B. No. 280. AN ACT relating to transportation of malt beverages by distributors and amending KRS 243.180.

H. B. No. 319. AN ACT relating to Teachers' Retirement, etc.

H. B. No. 393. AN ACT relating to per diem and expenses allowed members of county boards of education, etc.

H. B. No. 394. AN ACT relating to the terms of court in the Marshall County Circuit Court.

H. B. No. 436. AN ACT relating to regulation of the sale and distribution of commercial feeds.

H. B. No. 87. AN ACT relating to deputy constables and declaring an emergency.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bills to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time, the enrolling clerk aforesaid delivered the

original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

INTRODUCTION OF BILLS

A bill of the following title was introduced and ordered to be printed and referred, viz:

By Mr. Melton.

H. B. No. 521. AN ACT relating to prohibiting grocery stores from selling alcoholic beverages, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No license for the sale of alcoholic beverages at retail shall be issued for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease for a term of not less than the license period.

(2) (a) No premises shall be licensed for the sale of alcoholic beverages at retail except where the licensed premises and the entrance to the premises are on the street level and located in a business center or on a main thoroughfare.

(b) Paragraph (a) of this subsection shall not apply to a hotel, club or restaurant which has been bona fide in business as a licensee in premises located above or below the ground floor for at least one year preceding the date on which its application for a license is made. In the class of cases described in this paragraph the administrator to whom the application is made may, in the exercise of his sound discretion, decide whether the premises are to be licensed.

(3) (a) Except as provided in paragraphs (b) and (c) of

this subsection, no license for the sale of alcoholic beverages at retail shall be issued for any premises that are located on the same street as, and within two hundred feet of, a building used exclusively as a church or for class rooms of a school, if the governing authority of the church or school, within ten days after receiving notice of the application for the license, files written protest with the state administrator against the issuance of the license. The measurement shall be taken on the street on which the licensed premises are located, in a straight line from the nearest outside wall of the building on the licensed premises to the nearest outside wall of the church or school building. Proof of the giving of notice to the governing authority of the church or school must be furnished to the state administrator before the license is issued.

(b) A hotel, drug store, private club or other retail licensee which or who has been bona fide in business as a licensee at a particular location for not less than one year preceding the passage of 1938, c. 2, or the establishment of the church or school, may be issued a license by the administrator, in the exercise of his sound discretion, regardless of protest, even though the premises are within less than two hundred feet of a building occupied exclusively as a church or for class rooms of a school.

(c) In cities of the first, second or third class, the city administrator, with the approval of the State Alcoholic Beverage Control Board, may issue a regulation in such city requiring written permission by the governing authority of the church or school for the licensing of retail premises within two hundred feet of the church or school building, in which case the state administrator may not issue the license without such permission, except under the circumstances set forth in paragraph (b) of this subsection.

(4) No license for the sale of alcoholic beverages at retail shall be issued for any premises that are used for the sale of groceries.

COMMITTEE REPORTS

Mr. Burnley, Chairman of the Committee on Rules, to which

same had been referred, reported favorably bills and resolutions of the following titles, viz:

S. R. No. 42. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission regarding the laws of Kentucky with respect to control of diseasesd livestock, poultry and related matters.

H. R. No. 52. A JOINT RESOLUTION directing the Legislative Research Commission to study the feasability of a state financed program of financial assistance to deserving college students.

H. R. No. 90. A RESOLUTION pertaining to the athletic program of the University of Kentucky.

H. R. No. 84. A JOINT RESOLUTION memorializing the U. S. Congress to stress the importance of the Tennessee Valley Authority, to make appropriations to continue and expand this program, and directing transmittal of copies of this resolution to U. S. Senators and Congressmen from Kentucky.

S. B. No. 228. AN ACT relating to motor transportation and motor vehicles.

S. R. No. 28. A JOINT RESOLUTION changing the name of Levisa Fork of the Big Sandy River to Big Sandy River.

H. R. No. 95. A JOINT RESOLUTION authorizing the representative of Ulysses G. Sparks, deceased, Beulah Sparks, and the guardian of Carol Sparks, Barbara Sparks and Junior Sparks to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. R. No. 18. A JOINT RESOLUTION providing for a research study of the adequacy of the legislative process in the Commonwealth of Kentucky.

S. B. No. 204. AN ACT relating to purchase by fiscal courts, of equipment for sheriffs and deputies.

S. B. No. 3. AN ACT relating to annexation of territory by sanitation districts in counties not containing a city of the first class.

S. B. No. 16. AN ACT relating to taxation and sewer service charges of sanitation districts and amending sections 220.360 and 220.510 of the Kentucky Revised Statutes.

S. B. No. 106. AN ACT relating to the office of mayor, commissioner and police judge in cities of the second, third and fourth class operating under the commission form of government; amending Subsection (1) of Section 89.050 of the Kentucky Revised Statutes.

H. B. No. 418. AN ACT relating to actions for libel, or slander and amending Section 411.050 of the Kentucky Revised Statutes.

H. B. No. 408. AN ACT relating to the return to this state of fugitives from justice, and amending Section 440.090 of the Kentucky Revised Statutes.

H.B. No. 462. AN ACT relating to supersedeas bonds upon appeal in criminal cases.

H. B. No. 275. AN ACT relating to the standardization of time for the Commonwealth of Kentucky, fixing a penalty for its violation and repealing all laws in conflict therewith.

S. B. No. 188. AN ACT relating to dairying; and providing for the creation of a Division of Dairying within the Department of Agriculture, Labor and Statistics.

S. B. No. 78. AN ACT relating to contracts and separate estate of married women, amending KRS 404.010.

S. B. No. 62. AN ACT relating to condemnation, purchase, financing and operation of waterworks by water districts of cities of second, third, fourth, fifth or sixth classes.

S. B. No. 107. AN ACT relating to drainage and reclamation, enabling any county whose board of drainage commissioners so resolves to come under the provisions of subsection 3(b) of Section 267.390 of the Kentucky Revised Statutes, etc.

H. Res. No. 48. A RESOLUTION authorizing the Committee on Ways and Means of the House of Representatives of the 1954 session of the General Assembly to study means of im-

proving the law relating to adoption, and authorizing the holding of a public hearing on such subject.

H. B. No. 519. AN ACT relating to aerial spraying.

Whereupon said bills and resolutions were read at length for the first time and

Ordered placed in the Calendar.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 270. AN ACT relating to places of entertainment, including in the definition thereof any place having therein or thereon any person engaging in the practice of being a medium, clairvoyant, soothsayer, fortuneteller, palmist, phrenologist, spiritualist, or like activity, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 231.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this Chapter place of entertainment means a roadhouse, place offering intoxicating or non-intoxicating drinks for sale, tourist camp or place of public entertainment at which people assemble to eat, drink, dance, bathe, or engage in any game or amusement, or any place having therein or thereon any person engaging in the practice of being a medium, clairvoyant, soothsayer, palmist, phrenologist, spiritualist, or like activity, or one who with or without the use of cards, crystal ball, tea leaves, or any other object or device, engages in the practice of telling the fortune of another (but this last clause shall not be construed to apply to persons pretending to tell fortunes as part of any play, exhibition, fair or amateur show presented or offered by any religious, charitable, or benevolent institution). It shall not mean a private home at which bona fide guests are entertained places of business conducted only as filling stations for motor vehicles or grocery stores, nor transient or temporary entertainment such as circuses, carnivals and county fairs.

Section 2. Section 231.110 of the Kentucky Revised Statutes is amended to read as follows:

No person who has been granted a permit shall allow:

(1) Drunken, disorderly or boisterous persons, or persons of lewd or lascivious reputation to congregate in or about the premises.

(2) People to congregate there for immoral or unlawful purposes or to permit any man or woman who are not married to each other to occupy any cabin, cottage or secreted room or place from which the view of the public is excluded.

(3) The premises to be used as a place of assemblage or entertainment at later hours than those which are stated in the permit or recorded on the order book of the county court.

(4) Engaging in fortunetelling at any location except that specifically stated in his permit.

(5) Engaging in fortunetelling without first posting in a conspicuous place, both inside and outside the premises at which he is authorized to engage in fortunetelling, and without first filing with the county clerk of the county in which the premises are located, a schedule showing in detail the fees charged for readings, predictions, and services of any nature.

Section 3. A new Section of the Kentucky Revised Statutes is created to read as follows:

The conviction of the owner or manager of a place of entertainment for violation of the alcohol beverage control laws may be an additional ground for revocation and forfeiture of the place of entertainment permit by the county court.

Mr. Conley moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
W. Marvin Davis
Harold Edmonds
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
William C. Mann
Carl D. Melton
Robert K. Montgomery
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
James Treadway
Will Tom Wathen
Morris Weintraub
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 33. A JOINT RESOLUTION creating a Tax Planning Committee to make a study, survey and report concerning any necessary revision of the tax structure of the Commonwealth, etc.

Said resolution is as follows, viz:

WHEREAS, in order that the state government may function on an economically sound basis, and in accordance with sound pricniples of fiscal management, the tax needs, requirements and responsibilities of the state government should be ascertained and established pursuant to a comprehensive and coordinate plan taking into consideration the proper relationship between federal, state and local government, and the obligations of each; and

WHEREAS, the trend of expansion of the scope of state government, and the increasing demands for benefits and services through state government, have created the need for additional revenue through extended and increased taxation; and

WHEREAS, the complexities of present day business and economy make exceedingly difficult the selection and adoption of fair and equitable tax measures producing sufficient revenues to meet the needs of the state; and

WHEREAS, it is desirable that a re-examination of the existing state tax structure and a study and survey of potential tax sources be made in order that the General Assembly may be fully advised in the consideration of an integrated program of revenues and expenditures of the state government;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created a bi-partisan committee to be known as the Tax Planning Committee, which shall consist of not more than twenty-five members, to be appointed by the Governor upon the effective date of this Resolution. The members shall be selected so as to provide representation of industry, agriculture, labor, and the professions by persons familiar with revenue, finance and taxation problems, and shall represent, as far as possible, a cross-section of the economy of the Commonwealth. The Governor shall designate one of the members as chairman of the committee. The members shall receive no compensation for their services, but may be reimbursed for actual and necessary expenses incurred in the performance of the functions of the committee. The committee shall meet from time to time upon the call of the chairman, at a time and place designated in the call, and shall meet at the request of the Governor at such time and place as may be designated by the Governor. The committee shall continue in existence until such time as its duties have been completed, but in no event beyond December 31, 1955.

Section 2. The Tax Planning Committee, in conjunction with the Legislative Research Commission, shall make a comprehensive study and survey of the existing tax structure of the Commonwealth and of prospective and potential tax sources available to the Commonwealth, including an examination of the present state taxes and the revenue derived therefrom, the tax programs of other states and the revenue derived therefrom, a comparison of the tax sources existing in this state with those existing in other states, and a survey of prospective sources of revenue with an analysis of the economic effect of the utilization thereof and an estimate of the revenue that may be produced thereby. The study and survey shall be compiled and presented so as to enable the Governor and the General Assembly to be informed as to the most feasible, equitable and economically sound program of taxation for the Commonwealth.

Section 3. The Legislative Research Commission is authorized and directed to secure and provide adequate facilities, services and assistance to enable the Tax Planning Committee to carry out the objects and purposes of this Resolution, with reimbursement from the appropriation provided in Section 6.

Section 4. The Tax Planning Committee shall have authority to obtain information and to receive cooperation and assistance from any public agency, state or federal. Every state agency, at the request of the committee, shall make available to the committee such information, statistics and reports as are at the disposal of such agency, and shall cooperate with the committee to the fullest extent.

Section 5. The Tax Planning Committee, with the assistance of the Legislative Research Commission, shall prepare and submit to the Governor, at such an early date as is consistent with the accomplishment of the purposes of this Resolution, but not later than December 1, 1955, a report of the results of its study and survey, with recommendations, for the use and benefit of the General Assembly when next in session.

Section 6. To carry out the purposes of this Resolution, there is appropriated to the Legislative Research Commission, out of the General Expenditure Fund, the sum of $25,000, which sum shall be available during the 1954-1955 fiscal year, and without lapse, during the 1955-1956 fiscal year. Authorized expenses and expenditures of the committee may be paid out of this appropriation, on vouchers approved by the Director of the Legislative Research Commission.

With Committee Substitute attached thereto of the following title, viz:

Committee Substitute for H. Res. No. 33. A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make, or to have made, studies of the State General Fund tax structure, to prepare reports, to make recommendations concerning revision of the State General Fund tax structure, and making an appropriation.

Said Committee Substitute is as follows, viz:

WHEREAS, in order that the state government may function on an economically sound basis, and in accordance with sound principles of fiscal management, the tax needs, requirements and responsibilities of the state government should be ascertained and established pursuant to a comprehensive and coordinate plan taking into consideration the proper relationship

between federal, state and local government, and the obligations of each; and

WHEREAS, the trend of expansion of the scope of state government, and the increasing demands for benefits and services through state government, have created the need for additional revenue through extended and increased taxation; and

WHEREAS, the complexities of present day economic activity make exceedingly difficult the selection and adoption of fair and equitable tax measures producing sufficient revenues to meet the needs of the state; and

WHEREAS, it is desirable that a re-examination of the existing state General Fund tax structure and a study and survey of potential tax sources be made in order that the General Assembly may be fully advised in the consideration of an integrated program of revenues and expenditures of the state government;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission shall make, or shall cause to have made, comprehensive studies of the State General Fund tax structure and of potential tax sources, including analyses of administration and the economic effects of present State General Fund taxes and the revenue derived therefrom, a comparison of the tax sources existing in this state with those existing in other states, and a survey of prospective sources of revenue with an analysis of the economic effect of the utilization thereof and an estimate of the administrative cost and the revenue that may be produced thereby. The studies shall be presented so as to enable the Governor and the General Assembly to be informed as to the most feasible, equitable and economically sound program of taxation for the Commonwealth.

Section 2. The Legislative Research Commission shall have authority to obtain information and to receive cooperation and assistance from public agencies in the Commonwealth. Every state agency, on request, shall make available to the Legislative Research Commission such information, statistics and reports as

are at the disposal of such agency, and shall cooperate to the fullest extent.

Section 3. The Legislative Research Commission, shall prepare and submit to the Governor-elect, not later than December 1, 1955, a report of the results of its studies, containing specific recommendations for the use and benefit of the General Assembly when next in regular session.

Section 4. To carry out the purposes of this Resolution, there is appropriated to the Legislative Research Commission the sum of $25,000, out of the General Expenditure Fund, which sum shall be available during the 1954-1955 fiscal year, and without lapse, during the 1955-1956 fiscal year. Authorized expenses and expenditures of the committee may be paid out of these appropriations, on vouchers approved by the Director of the Legislative Research Commission.

Mr. Lowman moved the adoption of the Committee Substitute in lieu of H. Res. No. 33.

Said motion was agreed to.

Said Committee Substitute adopted.

Mr. Lowman moved the Previous Question.

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Thomas P. Fitzpatrick	Foster Ockerman
Walter J. Bailey	Cabell D. Francis	Louis T. Peniston
Wallace Bartley	W. L. Hadden	Edward D. Pollitte
Charles E. Baumgardner, Sr.	C. Ruby Harralson	Paul T. Ratcliffe
Owen Billington	Harold G. Helm	Jack Raybourne, Jr.
Leo A. Bleemel	Henry R. Heyburn	Robert Reid
J. Murray Blue	Lon C. Hill	Lloyd E. Rogers
J. C. Bradley	Chester J. Holsclaw	William A. Routh
Edward T. Breathitt, Jr.	William M. Horn	Cecil C. Sanders
John Young Brown	Jennings H. Kearby	Mrs. Thelma L. Stovall
Charles W. Buchanan	Talmage Lacy	Will Tom Wathen
Harry M. Caudill	James W. Lambert	Morris Weintraub
Cassius M. Clay	George H. Lovelace	William B. Wells
William J. Conley	Harry King Lowman	Mrs. Randolph Wilson
R. Josh Cosby	William C. Mann	T. D. Winstead
Vernor O. Cottengim	Carl D. Melton	Charles W. Wirsch
W. Marvin Davis	Robert K. Montgomery	Walker H. Wiseman
Harold Edmonds	Thomas J. Murphy	Paul E. Young
Addison L. Everett	Goebel W. Newsom, Jr.	

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Those who voted in the negative were—

John L. Day	Albert Dempsey	James Treadway

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 406. AN ACT pertaining to the regulation of mines and minerals, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 352.220 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The following shall apply to underground installations:

(a) On all haulage roads, landings and partings, where men are required to regularly work or pass under bare power wires placed less than six and one hlaf feet above the top of the rail, suitable protection shall be provided. This protection shall consist of channeling the roof, placing boards along the wires and extending below them, or the use of some other approved device that effords protection.

(b) All machine feed wires shall be placed on glass or porcelain insulators which shall be so placed as to prevent the wires coming in contact with the coal.

(c) When the machine or feed wires are carried in the same entry as the trolley wire, they shall be placed on the same side as the trolley wire, between the trolley wire and rib, and shall be protected from contact therewith. Positive feed wires crossing places where persons or animals are required to travel shall be safely guarded or protected from such persons or animals coming in contact therewith, as provided in (a) of this subsection.

(d) All trolley and positive feed wires shall be placed on opposite sides of track from refuge holes or necks of rooms when so ordered by the Department, but wires, when protected as provided for in (a) of this subsection, may be placed across the necks of rooms. Switches or circuit breakers shall be provided to control the current at the mine and all important sections in the mine.

(e) All power wires and cables in hoisting shafts or man-

way compartments shall be properly insulated, substantially fixed and well protected.

(f) Ground wires shall be at least one-fourth as large as the circuit wires, but not smaller than No. 6 B & S gauge.

(g) Extra length or long trailing cables preferably shall be spread out in long open loops on clean, well rock-dusted floor where the cable can be protected against mechanical injury but cables in suspended long loops will be acceptable.

(h) Trailing cables with more than six temporary splices shall be removed from service and the splices improved before further use.

(i) Single conductor trailing cables shall not be used on cutting machines.

(j) Circuits of four hundred forty volts, three-phase alternating current shall be of insulated wire from transformers connected star-star. The cable shall contain a fourth wire from the center of the transformer star and be connected to the frame of the motor, preferably utilizing a ground trip protective relay.

(k) The frames of hand-held electrically driven tools shall be properly grounded, and they shall be provided with fuses or circuit breakers.

(l) All pump frames and all pipe lines shall be grounded to the rail or the grounding system at about two hundred foot intervals, except non-metallic pipes, or pipes using insulated type couplings or pipes installed remotely from track or power systems.

(m) Cross-bonds shall be installed at about two hundred foot intervals along the track.

(n) High voltage cables shall be installed in intake airways, shall have shielding grounded and be buried in a ditch, or protected against contact, subject to approval by the department.

(o) High voltage cables shall have disconnecting switches, overload protective devices and lightning arresters at, or near, the outside end of the cable.

(p) Inside substations shall have the approval of the department before installation. They shall be in a separate air current. Barriers shall be provided to contain oil that may leak from transformers

(q) All mine locomotives shall be fused or otherwise protected at the switch or at the nip.

(r) Electric wiring for rubber belt conveyors shall be installed in an intake entry separate from the belt entry. Any necessary wiring, including wiring for lights, that is to be used in the belt entry, shall be carried from such adjoining entry directly to the point of use, and suitable fire-fighting equipment, such as rock-dust, shall be located at strategic points along the rubber belt line, and proper type fire extinguishers shall be provided at the transfer points. The chief may prescribe any other safety measures for the prevention and combating of mine fires as they pertain to rubber conveyor belts.

(s) Telephone lines shall be provided with lightning arresters where the lines enter the mine and at the boxes on the outside.

(t) Telephone lines crossing trolley wires shall be carefully protected.

(u) Insulating mats shall be placed in front of switchboards, beside stationary motors, in decks of locomotives, telephones, etc.

(v) Ground wires in trailing cables shall be tested periodically for open circuit and/or high resistance joints.

(w) Power circuits in tipples, buildings, cleaning plants, etc., and all inside electrical circuits should be de-energized when not in use over a long period.

(x) Where electric circuits cross over or pass under belt conveyors the wiring shall be protected by conduit.

(y) The preceding provisions as they pertain to the use of rubber belt conveyors shall apply only to installations made after March 6, 1952, and if any operator is unable to comply with these provisions, the department may prescribe the conditions under which the installation shall be made.

(2) The following shall apply to surface installations:

(a) High voltage lines shall be at least fifteen feet above the ground and at least twenty feet above the ground where there is a possibility of contact by traffic passing underneath.

(b) Protective barriers should be so constructed between high voltage wires and telephone wires, trolley circuits, and any other similar conveyor wires or circuits as to prevent their failure by the falling of such high tension lines across such other circuits, wires or conveyors.

(c) On four-wire circuits, the fourth or neutral wire terminating at transformers or elsewhere, shall be of substantial construction to minimize any possibility of the wire being cut into or damaged mechanically.

(d) On low voltage circuits, wires shall be supported on insulators except when cables made for use without insulators, which are of such design as can be safely used without insulators, are used.

(e) Lightning arresters shall be installed on all direct current and alternating current circuits entering a mine, regardless of voltage. Overload protection and disconnect switches should also be provided.

(f) Every metallic building in which electricity is used or connected with any circiut shall be effectively grounded.

(g) All transformers tanks shall be effectively grounded.

(h) Switch boxes, contactors, controllers and all other similar devices shall be kept free of dust accumulations.

(i) Transformer stations shall be housed or fenced in when lower than fifteen feet above the earth, and the fences shall be a minimum of six feet in height.

(3)(a) Notwithstanding any provision of subsections (1) or (2) of this section, the department may authorize the construction, maintenance, operation or conducting of any activity regulated by this Act, to be constructed, maintained, operated or conducted in a different manner than specified in any provision of subsection (1) or (2) of this section of the Act, when

scientific or engineering information is made available to the department substantially indicating that the different manner would afford equal or greater protection and safety than the manner required in subsections (1) or (2) of Section 1 of this Act.

(b) The department may prescribe, after agreement with the affected parties, any other regulations with respect to above-ground or underground installations in connection with any mine operation when information is made available indicating that such regulation is reasonably necessary to prevent injury to, or loss of, life and property.

Section 2. Section 352.240 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The use of black powder, either granular or in pellet form, and the use of dynamite for firing shots is prohibited in all underground coal mines in the State of Kentucky.

(2) Explosives shall be fired only by electric detonators of the proper strength except as provided for in KRS 352.260.

(3) When blasting is done electrically, only permissible single shot blasting units or permissible multiple shot blasting units shall be used unless blasting is done from the surface.

(4) Individual containers used to carry permissible explosives or detonators underground shall be constructed of substantial non-conductive material. The container shall be closed and maintained in good condition. When explosives or detonators are transported underground by locomotive, rope, or shuttle car, they shall be in covered cars or in special containers.

(a) The bodies and covers of special cars and the containers shall be constructed of non-conductive material.

(b) If explosives and detonators are hauled in the same explosives car or in the same special container, they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent.

(c) Cardox shells shall not be carried on man-trips.

(d) Where quantities of explosives and detonators are

transported in special cars or in special containers in cars, they shall be hauled on a special trip, not connected to any other trip, and shall not be hauled into or out of a mine within five minutes preceding or following a man-trip or any other trip. When traveling with the air current, the explosive trip shall precede the man-trip; when traveling against the air current, the man-trip shall precede the explosive trip.

(5) Explosives and detonators shall be transported underground by belt only under the following conditions:

(a) In the original and unopened case, in special closed cases constructed of non-conductive material, or in suitable individual containers.

(b) Ample clearance shall be provided when transported by belt.

(c) Suitable loading and unloading stations shall be provided.

(d) There shall be an attendant at loading and unloading points and stop controls at these points.

(6) Explosives or detonators shall not be transported on flight or shaking conveyors, or by scraper or mechanical loading machines.

(7) Underground section boxes or magazines shall be of substantial construction and placed in a crosscut or idle room neck at least twenty-five feet from roadways or trolley wires and in a reasonably dry and well rock-dusted place; and when such section boxes or magazines are used, the explosives and detonators shall be kept in separate boxes or magazines, or if kept in the same box they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent. Not more than a forty-eight hour supply of explosives, including any surplus remaining from the previous day, shall be stored underground in such boxes or magazines. Explosives kept near the working faces in invividual containers shall be kept not less than fifteen feet from rail or power lines and in a location out of line of blast where they will not likely be subjected to shock. Detonators shall be kept in a separate container under similar

conditions. Explosives and detonators shall be kept in their containers fifteen feet apart until removed for use at the working faces.

(8) Boreholes in coal shall not be drilled beyond the back of the cut, nor into the solid rib, roof or floor.

(9) Boreholes shall be cleaned and checked to see that they are placed properly and are of correct depth, in relation to the cut, before being charged.

(10) To prevent blowthroughs, all portions of the boreholes, where the height of the coal permits, shall have a burden in all directions of at least eighteen inches before being fired.

(11) Boreholes shall be stemmed with at least twenty-four inches of incombustible material, or at least two-thirds of the length of the hole shall be stemmed.

(12) Examinations for gas shall be made immediately before and after firing each shot where on-shift shooting is done in gaseous mines.

(13) When blasting coal, charges exceeding one and one-half pounds, but not exceeding three pounds, shall be used only if boreholes are six feet or more in depth, and explosives are charged in a continuous train, with no cartridges deliberately deformed or crushed, with all cartridges in contact with each other, and with the hole stemmed solidly for a depth of at least twenty-four inches.

(14) Shots shall be fired by qualified shot firers.

(15) In mines where shooting is done on shift, all shots or series of shots shall be fired immediately after charging.

(16) Only wooden tamping bars shall be used when charging holes.

(17) Leg wires of electric detonators shall be kept shunted or the ends twisted together until ready to connect to the firing cable.

(18) Shots shall not be fired from the power or signal circuit while any men are in the mine.

(19) Roof and faces of working places shall be tested before and after blasting on shift.

(20) Ample warning shall be given before shots are fired, and care shall be taken to ascertain that all persons are in the clear. Men shall be removed from adjoining working places when there is danger of a shot blowing through.

(21) Mixed charges shall not be charged or fired in any borehole.

(22) Adobe (mudcap) or other open, unconfined shots shall not be fired in any mine.

(23) Blasting cables shall be well insulated and as long as may be necessary to permit the shot firer to get in a safe place around the corner, short-circuited at the battery end until ready to attach to the blasting unit, staggered as to length or kept well separated when attached to the detonator leg wires, and kept clear of power wires and all other possible sources of active or stray currents.

(24) Where misfires occur with electric detonators, a waiting period of at least five minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery end short circuited before electric connections are examined. If fuse is used a waiting period of twelve hours shall elapse before returning to the face. Explosives shall be removed by firing a separate charge at least two feet away from, and parallel to, the misfired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out. A very careful search of the working place, and, if necessary, of the coal after it reaches the tipple shall be made after blasting a misfired hole, to recover any undetonated explosive. The handling of a misfired shot shall be under the direct supervision of the foreman or a competent person designated by him.

(25) The provisions governing the handling, storage and transportation of explosives shall apply to the heater elements of Cardox blasting devices prior to their installation in the shells. Charged Cardox shells shall be transported underground in insu-

lated cars or in insulated boxes placed in ordinary mine cars except where transported on rubber belts and shall be stored on wooden racks, built for that prupose, in a crosscut or an idle room neck, at least ten feet from power lines and haulage tracks. Where Cardox is used for blasting, the following shall apply:

(a) Cardox shells need not be tamped or stemmed.

(b) When Cardox is fired, all persons in the vicinity, including the shot firer, shall be around a second corner or in an equally safe place.

(c) Blasting cables shall be as long as may be necessary to assure the safety of the shot firer, attached only after the charge has been placed in the borehole, and maintained in good repair.

(d) The charge shall be detonated with a permissible shot-firing unit.

(e) Cardox shall not be shot off the solid, over heavy rock binders or shale, or in a "tight" shot.

(f) Cardox misfires caused by the failure of the disk to rupture shall not be removed from the hole until after the lapse of five minutes and shall be handled under the supervision of a foreman or other competent designated person.

(g) Misfired shells shall be bled off promptly and marked conspicuously upon removal from the hole.

(26) Where Airdox is used for blasting or breaking down the coal, the following shall apply:

(a) Compressed air shall be conducted from the compressor to within a practical working distance of the face by steel air lines tested to withstand an approximate pressure of twenty thousand pounds a square inch.

(b) Air lines shall be grounded at the compressor, and, if possible, at other low-resistance ground connections along the lines, such as at borehole casings. They shall not be connected in any way to tracks, water lines, or other electric power return conductors and shall be suitably insulated where they cross electric wires or underneath the track.

(c) Unions shall be installed in steel air lines at not more than one-thousand foot intervals.

(d) Shut-off valves shall be installed every one thousand feet in all Airdox lines and, in all branch lines, at a point near the main lines.

(e) Airdox lines shall be protected at places where equipment passes over, under or adjacent to them.

(f) Steel or copper lines shall not be handled or repaired when air pressure is in the line.

(g) Air lines shall be examined periodically for kinks or other weaknesses and replaced immediately when defects are found.

(4) Copper tubing shall be coiled and uncoiled properly. The part of the tubing that is affected by frequent coiling and uncoiling shall be renewed periodically because of the dangers from kinks and crystallization.

(i) Blow-down valves shall not be less than forty-five feet from the face and shall be around a right angle.

(j) Holes for Airdox tubes shall not be drilled on the solid.

(k) The Airdox tube shall be pushed to the back of the drill hole and then withdrawn six to twelve inches to form an air cushion.

(l) When blow-down valves are opened to discharge the Airdox tube, they shall remain open until time to place the tube in the next borehole.

(m) After the breaking down of the coal in any one place, the tube shall be disconnected at once from the air line and not reconnected until ready to be used in the next place.

(n) When an Airdox tube fails to discharge, the copper line leading to the tube shall be disconnected at the blow-down valve, and the tube shall be dragged by means of the copper line to an abandoned place marked with warning signs, and left for twelve hours before any repair work is done thereon.

(o) All persons shall be removed from adjoining, working

places where there is danger of breaking through and shall be at a safe distance around a right angle, while coal breaking is in progress.

(27) Notwithstanding any provision of this Act except subsection (1) of this section the department may authorize the construction, maintenance, operation or conducting of any activity regulated by this Act to be constructed, maintained, operated or conducted in a different manner than specified in any provision of this Act except subsection (1) of this section when scientific or engineering information is made available to the department substantially indicating that the different manner would afford equal or greater protection and safety than the manner required in any provision of this section of this Act.

Section 3. Section 352.990 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Any person who violates any of the provisions of KRS 352.020 to 352.040, Subsection (1) of KRS 352.050 KRS 352.060 to 352.090, KRS 352.110 to 352.140 or subsection (1) of KRS 352.190 shall be fined not less than twenty-five nor more than two hundred dollars.

(2) Any person who violates any of the provisions of subsections (2) or (3) of KRS 352.050, subsection (2) of KRS 352.190, KRS 352.220, subsection (6) of KRS 352.230 or KRS 352.250 shall be fined not less than twenty-five nor more than two hundred dollars.

(3) Any person who violates any of the provisions of KRS 352.100 shall be fined not less than twenty-five nor more than one hundred dollars.

(4) Any person who violates any of the provisions of KRS 352.150 shall be fined not less than twenty-five nor more than two hundred dollars.

(5) Any person who shall violate any of the provisions of KRS 352.170 or 352.180 shall be fined not less than twenty-five nor more than two hundred dollars.

(6) Any person who violates any of the provisions of KRS 352.200, 352.210 or 352.240 shall be fined not less than

twenty-five nor more than one hundred dollars. Any person who violates any regulation validly prescribed by the department purusant to Section 352.220, subsection (3)(b) shall be fined not less than twenty-five nor more than one hundred dollars.

(7) Any coal operator, manager, superintendent, mine foreman, fire boss or machine runner who violates any of the provisions of KRS 352.230 shall be fined not less than twenty-five nor more than two hundred dollars.

(8) Any person who violates any of the provisions of subsections (1), (2) or (4) of KRS 352.260 shall be fined not less than twenty-five nor more than two hundred dollars.

(9) Any person who violates any of the provisions of KRS 352.270 shall be fined not less than twenty-five nor more than one hundred dollars.

(10) Any person who violates any of the provisions of KRS 352.320 to 352.390 shall be fined not less than twenty-five nor more than two hundred dollars.

(11) Any person who violates any of the provisions of KRS 352.280 to 352.310 shall be fined not less than fifty nor more than two hundred dollars.

(12) Any coal operator, manager, superintendent, mine foreman or employe who violates any of the provisions contained in any mine rules after they have been approved as provided by KRS 352.400 shall be fined not less than twenty-five nor more than one hundred dollars.

(13) Any coal operator, manager, superintendent or mine foreman who violates any of the provisions of KRS 352.410 or 352.420 shall be fined not less than twenty-five nor more than two hundred dollars.

(14) Any district mine inspector, coal operator, manager or superintendent who violates any of the provisions of KRS 352.430 shall be fined not less than twenty-five nor more than two hundred dollars.

(15) Any operator, manager, superintendent or engineer

who violates any of the provisions of KRS 352.450 to 352.480 shall be fined not less than twenty-five nor more than two hundred dollars

(16) Any owner, tenant, company, corporation, manager, engineer, mine foreman or employe who violates any of the provisions of KRS 352.490 or 352.500 shall be fined not less than fifty nor more than three hundred dollars.

(17) Any person who violates any of the provisions of KRS 352.510 fixing the distance from wells within which mining operations may be conducted without the approval of the department, and any person who violates any of the terms of an order of the department allowing mining operations within a lesser distance of any well than that prescribed by law shall be fined not more than two hundred dollars or imprisoned for not more than twelve months, or both.

(18) Any inspector of mine weights, coal operator, superintendent, agent, company weighman or check weighman who violates any of the provisions of KRS 352.520 or 352.530 shall be fined not less than twenty-five nor more than two hundred dollars.

(19) Any person, company or corporation that violates any of the provisions of KRS 352.540 or 352.550 shall be fined not less than fifty nor more than one hundred dollars for each violation.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
Harold Edmonds
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
William C. Mann
Carl D. Melton
Robert K. Montgomery
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
Mrs. Thelma L. Stovall
Will Tom Wathen
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young
—56

There voted in the negative—

Harold G. Helm
—1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 222. AN ACT relating to public health.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly of the Commonwealth of Kentucky recognizes and hereby declares that it is an essential function, duty and responsibility of the government of this Commonwealth to adequately safeguard the health of all its citizens, and to establish, maintain, implement, promote and conduct appropriate facilities and services for the purpose of protecting the public health. This Act is enacted with the expressed legislative intention of effectuating the aforesaid objectives in the manner provided herein.

Section 2. As used in this chapter unless the context requires otherwise:

(1) "Department" means the State Department of Health;

(2) "Board" means the State Board of Health;

(3) "Commissioner" means the Commissioner of Health;

(4) "Deputy" means Deputy Commissioner of Health;

(5) "Division" means a division of the Department of Health;

(6) "President" means President of the State Board of Health;

(7) "Secretary" means Secretary of the State Board of Health.

Section 3. Section 211.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is in the state government a Department of Health. The department shall consist of the board, the commissioner and deputy commissioners, and the divisions set out in

Section 8 of this Act and such divisions as may be created pursuant to KRS 12.030. Also included in the department, for administrative and budgetary purposes, are the State Water Pollution Control Commission as provided for in KRS 220.600, the Hospital Council established by KRS 216.460, the State Hospital Advisory Council, the Merit System Council, and such other advisory councils as may be appointed by the Governor or the board.

(2) The department may, with the written approval of the Governor, establish branch offices in the state.

Section 4. Except as otherwise provided by law, the department shall administer all provisions of law relating to public health; shall enforce all public health laws and all regulations of the board; shall supervise and assist all local boards of health and departments; shall do all other things reasonably necessary to protect and improve the health of the people; and may cooperate with federal and other health agencies and organizations in matters relating to public health.

Section 5. Section 211.030 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner shall be the chief executive officer of the department. Beginning with the term commencing on July 1, 1954, he shall be elected by a majority of the appointed members of the board to serve for a term of four years and until his successor is elected and qualified. The board may elect one of its own members as Commissioner. The Commissioner shall be a graduate of a school of medicine approved by the board, shall be licensed to practice medicine in this state, and shall have had at least five years' experience in public health administration. The Commissioner shall receive an annual salary of twelve thousand dollars.

Section 6. The Commissioner may appoint not more than four deputy Commissioners and delegate to them such of his powers, duties and authority as will facilitate and expedite the operations of the department. Not all of said deputy Commissioners need be graduates of medical schools or licensed to practice medicine. The Commissioner may designate one of said

deputy Commissioners as acting Commissioner to exercise and perform all of the functions, duties and authority of the Commissioner during his absence.

Section 7. Section 211.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall:

(a) Appoint county boards of health pursuant to KRS 212.020;

(b) Hear and decide appeals from rulings, decisions and actions of the department or the Commissioner, where the aggrieved party makes written request therefor to the board within thirty days after the ruling, decision or action complained of;

(c) Elect the Commissioner in the manner prescribed in Section 5 of this Act;

(d) Adopt rules and regulations necessary to regulate and control all matters set forth in Section 12 of this Act to the extent the regulation and control of same have not been delegated to some other agency of the Commonwealth and adopt such other rules and regulations as may be necessary to effectuate the purposes of this Act and any other Act relating to public health, except as otherwise provided by law;

(e) Issue or deny hospital licenses pursuant to KRS 216.400 to 216.500;

(f) Approve or disapprove the establishment of proposed hospital service corporations and contracts for hospital service corporations and contracts for hospital services pursuant to KRS 303.020 to 303.040;

(g) Approve or disapprove of the establishment of proposed medical service plan corporations and contracts for medical services pursuant to KRS 303.160 to 303.200;

(h) Act in a general advisory capacity to the commissioner on all matters relating to the department;

(i) Enforce and administer the provisions of KRS 311.250, 311.260, 311.375, 311.376, 311.550 to 311.620.

(2) Except as otherwise provided in subsection (1) above, all powers and authority of the board under existing statutes, are transferred to the department.

Section 8. Section 211.100 of the Kentucky Revised Statutes is amended to read as follows:

The department shall be divided into the following divisions: Division of Budgets and Accounts, Division of Building and Common Services, Division of Chronic Disease Control, Division of Communicable Disease Control, Division of Dental Health, Division of Food and Drug Control, Division of Hospital Services, Division of Legal Services, Division of Local Health Services, Division of Maternal and Child Health, Division of Medical Licensure, Division of Merit System Services, Division of Nutrition, Division of Occupational Health, Division of Personnel and Training, Division of Public Health Education, Division of Publc Health Engineering, Division of Public Health Laboratories, Division of Public Health Nursing, Division of Public Health Sanitation, Division of School Health, Division of Statistical Services, Division of Tuberculosis Control and Division of Vital Statistics.

Section 9. Each division shall be headed by a director, appointed by the Commissioner, provided, however, that in the discretion of the Commissioner, two or more said divisions may be headed by the same director. Divisions may be placed under supervision of one or more deputy Commissioners, and may be grouped or re-grouped for administrative purposes in such manner as may be determined by the Commissioner. Divisions may, in the discretion of the Commissioner be subdivided into one or more sections or other subordinate units.

Section 10. Divisions shall perform such duties as may be assigned by the Commissioner and shall cooperate with and assist each other and all local health departments in all matters to the extent directed by the Commissioner, who shall supervise, coordinate and control the operations of all divisions either individually or by and through one or more deputy Commissioners.

Section 11. In relation to local health departments, the department shall, among other things:

(1) Establish policies governing the activities and practices of such departments;

(2) Supervise their financial, personnel, program, administrative and other functions;

(3) Establish standards of operation in accordance with KRS 212.120;

(4) Evaluate the organization and activities of local health departments;

(5) Conduct state and district conferences for local health officers and local health department personnel;

(6) Allocate, modify or cancel allotments of state funds to local health departments pursuant to KRS 212.120; and

(7) Promote the establishment of local health departments.

Section 12. The department shall enforce the rules and regulations adopted by the board for the regulation and control of the matters set out below and shall formulate, promote, establish and execute policies, plans and programs relating to all matters of public health, including but not limited to the following matters:

(1) Detection, prevention, and control of communicable diseases, chronic and degenerative diseases, dental diseases and abnormalities, occupational diseases and health hazards peculiar to industry, home accidents and health hazards, animal diseases which are transmissible to man, and such other diseases and health hazards as may be controlled;

(2) The control of insects, rodents and other vectors of disease; the proper disposal of garbage, waste and other refuse; the safe installation and operation of plumbing and plumbing fixtures; the safe disposal of human and other excreta; the safe handling of food and food products; the safety of cosmetics, the control of narcotics, barbiturates and other drugs as provided by law; the purification of water for public and semi-public use; the proper construction and operation of public water purification plants and distribution systems, swimming pools and sewage treatment plants, including the issuance of permits to and the

supervision of operators thereof; the sanitation of schools, industrial establishments and other public and semi-public buildings; the sanitation of state and county fairs and other similar public gatherings; the sanitation of public and semi-public recreational areas; the sanitation of public rest rooms, trailer courts, hotels, tourist courts, and other establishments furnishing public sleeping accommodations; the review, approval or disapproval of plans for construction, modification or extension of food-handling establishments, water purification and distribution systems, swimming pools, sewage treatment plants and such other establishments, systems, plants and places as are designated by the board; the licensure of hospitals; and the control of such other factors as may be necessary to insure a safe and sanitary environment.

(3) Protection and improvement of the health of expectant mothers, infants, preschool and school-age children;

(4) The practice of midwifery, including the issuance of permits to and supervision of women who practice mid-wifery;

(5) Protection and improvement of the health of the people through better nutrition.

Section 13. The department shall provide public health services including the following:

(1) Administrative, consultative, technical, professional and other services needed to assist local health departments in the effective maintenance and operation of their departments;

(2) Administrative, investigative and clerical services required by the board and may upon request provide such services to any other agency of this Commonwealth authorized to control the practice of any other healing art;

(3) Administrative of grants, gifts or contributions from the federal government, or from other sources, for the purpose of carrying out the provisions of Public Law No. 725 (79th Congress, 2nd Session, Chapter 958) or any other Acts for the same or similar purposes;

(4) Central registrations of births, deaths and other vital

records and the furnishing of copies thereof to the general public in the manner prescribed by law;

(5) Statistical services, including the compilation, analysis and maintenance of statistics on matters related to public health, and may provide such services to organizations and persons interested in public health.

(6) Education of the public concerning all matters relating to health, including the publication and dissemination of health information, and the stimulation of citizens support for the promotion and maintenance of high standards of public health throughout the Commonwealth;

(7) Survey and study of the needs of medical and hospital facilities in the interest of the health of the general public;

(8) Establishment, maintenance and operation of public health laboratories and such branches thereof as may be needed;

(9) Establishment, maintenance and operation of training facilities and schools for employees of the department and of local health departments.

(10) Tabulating, duplicating and such other ancillary services as are necessary to the operation of the Department, including the keeping of adequate financial, personnel and other records.

Section 14. Whenever, in the opinion of the commissioner, a public health emergency exists in any county, or whenever any county fails to establish, maintain and operate a local health department therein meeting the standards prescribed by the department, the department may assign to said county such of its own personnel as may be designated by the commissioner. Such personnel so assigned shall have the full power and authority of local health department employees in addition to their power and authority as representatives of the department. Whenever such assignment results by reason of the lack of a local health department or of a local health department meeting the standards prescribed by the department, any funds appropriated or allocated to the local health department by either the Common-

wealth or the federal government may be used to reimburse the department.

Section 15. The department may examine into all nuisances, sources of filth and causes of sickness that may, in its opinion, be injurious to the health of the inhabitants in any county in this state, or in any vessel within any harbor or port in any county in this state. Whenever any such nuisance, source of filth or cause of sickness is found to exist on any private property, or in any vessel within any port or harbor in any county in this state, or upon any watercourse in this state, the department may order, in writing, the owner or occupant thereof, at his own expense, to remove the same within twenty-four hours, or within such reasonable time thereafter as the department may order.

Section 16. For the purposes of enforcing the public health laws of the Commonwealth, investigators, inspectors, officers, representatives and agents of the department may enter upon any premises when necessary for the purpose of making inspections and investigations, and may view evidence and interrogate persons, to the extent required in the performance of their duties and responsibilities. The board or the Commissioner may issue subpoenas, subpoenas duces tecum and all necessary process in proceedings brought before or initiated by the department or board, and such process shall extend to all parts of the Commonwealth. Service of process may be made by registered mail or in the manner prescribed by the Rules of Civil Procedure.

Section 17. In case of a failure on the part of any person, firm or corporation to comply with any lawful order of the board, or with process, or in case of the refusal of any witness to testify concerning any matter on which he may be lawfully interrogated, the circuit court, or a judge thereof, having jurisdiction may, on application of the board or the Commissioner, compel obedience by proceedings as in contempt cases.

Section 18. County, city and Commonwealth's attorneys, and the Attorney General, shall, within their respective jurisdictions, prosecute all violations of the penal provisions of the public health laws of this Commonwealth.

Section 19. While retaining the right to vote as he may

please and to express privately his opinion of all political subjects and issues, no employe or officer of the department, including the Commissioner, shall take any active part in political management or political campaigns, nor shall he use his office or influence for the purpose of interfering in any election or affecting the results thereof, or for the purpose of coercing the political action of any body or person.

Section 20. Any person who is aggrieved by any ruling, decision or action of the Commissioner on other than matters of internal administration may appeal to the board within thirty days after said ruling, decision or action, by filing with the board a written complaint setting out the ruling, decision or action complained of, the reasons that such person is aggrieved and the relief sought by such person.

Section 21. All officers, assistants and empolyes of the department shall be paid their necessary traveling expenses while engaged in the discharge of their official and departmental duties.

Section 22. (1) The department may receive and accept gifts and endowments of every kind including gifts and endowments for special purposes and may receive grants from the federal government. Monies acquired through gifts, endowments or grants shall be deposited in the State Treasury to the credit of a trust or agency fund to be used for the purposes for which they are received. Gifts or endowments with special restrictions as to use or purpose shall be expended in accordance with such restrictions.

(2) The department may mortgage, pledge, sell or convey lands or goods so received unless specifically prohibited by the terms of the gift, proceeds therefrom to go to the credit of a trust or agency fund set out in subsection (1) of this Section.

Section 23. (1) Any owner or occupant who fails to comply with an order made under the provisions of Section 15 of this Act shall be fined not less than ten dollars nor more than one hundred dollars, and each day's continuance of the nuisance, source of filth or cause of sickness, after the owner or occupant has been notified to remove it, shall be a separate offense.

(2) Except as otherwise provided by law, anyone who fails

to comply with the provisions of the rules and regulations adopted pursuant to this Act or who fails to comply with an order of the department issued pursuant thereto shall be fined not less than ten dollars nor more than one hundred dollars. Each day of such violation or noncompliance shall constitute a separate offense.

Section 24. Sections 211.010 and 211.105 of the Kentucky Revised Statutes are repealed.

Mr. Brown offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, section 3, line 11. By striking the following: "the Merit System Council,"

Said motion agreed to.

Said amendment adopted.

Mr. Brown offered the following amendment and moved its adoption.

Amendment No. 2—On page 2, section 3, line 12. By striking the word "advisory"

Said motion agreed to.

Said amendment adopted.

Mr. Brown offered the following amendment and moved its adoption.

Amendment No. 3—On page 3, section 5, lines 11, 12 and 13. By striking the following: "The Commissioner shall receive an annual salary of twelve thousand dollars."

Said motion agreed to.

Said amendment adopted.

Mr. Brown offered the following amendment and moved its adoption.

Amendment No. 4—On page 5, section 8, lines 5 and 6. By striking the following: "Division of Chronic Disease Control, Division of Communicable Disease Control," and inserting in lieu thereof "Division of Preventive Medicine".

Said motion agreed to.

Said amendment adopted.

Mr. Brown offered the following amendment and moved its adoption.

Amendment No. 5—On page 5, section 8, line 10. By striking the following: "Division of Merit System Services,"

Said motion agreed to.

Said amendment adopted.

Mr. Brown offered the following amendment and moved its adoption.

Amendment No. 6—On page 5, section 8, line 15. By striking the following: "Division of School Health,"

Said motion agreed to.

Said amendment adopted.

Mr. Brown offered the following amendment and moved its adoption.

Amendment No. 7—On page 7, section 12(2), line 17. By inserting a semicolon in lieu of a comma after amendment as follows: "handling of food and food products; the safety of cosmetics; the"

Said motion agreed to.

Said amendment adopted.

Mr. Brown offered the following amendment and moved its adoption.

Amendment No. 8—On page 10, section 16, line 12. By adding the following: "Nothing in this section shall be construed to authorize the department or board to regulate the practice of any healing art where the licensure regulation and control of same has been conferred by statute upon some other agency of the state."

Said motion agreed to.

Said amendment adopted.

Mr. Brown offered the following amendment and moved its adoption.

Amendment No. 9—On page 12, section 24, lines 1 and 2. By striking entire Section 24 and substituting the following in lieu thereof:

"Sections 211.010, 211.105, 211.110 and 211.120 of the Kentucky Revised Statutes are repealed."

Said motion agreed to.

Said amendment adopted.

Mr. Brown moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be not put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward T. Breathitt, Jr.	Paul Cobb
Walter J. Bailey	John Young Brown	William J. Conley
Wallace Bartley	Charles W. Buchanan	R. Josh Cosby
Charles E. Baumgardner, Sr.	Harry M. Caudill	Vernor O. Cottengim
Leo A. Bleemel	Cassius M. Clay	W. Marvin Davis
		Albert Dempsey
		Harold Edmonds

Addison L. Everett	George H. Lovelace	Russell Reynolds
Thomas P. Fitzpatrick	Harry King Lowman	Lloyd E. Rogers
Cabell D. Francis	William C. Mann	William A. Routh
W. L. Hadden	Carl D. Melton	Cecil C. Sanders
C. Ruby Harralson	Fred Morgan	Mrs. Thelma L. Stovall
George F. Harris	Eddie J. Morris	James Treadway
Harold G. Helm	Thomas J. Murphy	Will Tom Wathen
David Heskamp	Goebel W. Newsom, Jr.	Morris Weintraub
Henry R. Heyburn	Foster Ockerman	William B. Wells
Lon C. Hill	Louis T. Peniston	Mrs. Randolph Wilson
Chester J. Holsclaw	Edward D. Pollitte	T. D. Winstead
William M. Horn	Roger E. Qualls	Charles W. Wirsch
Jennings H. Kearby	Paul T. Ratcliffe	Walker H. Wiseman
Talmage Lacy	Robert Reid	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 325. AN ACT relating to interstate toll bridges, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Chapter 180 of the Kentucky Revised Statutes is amended by creating and adding thereto Section 180.105, reading as follows:

"Section 180.105 — Construction, Enlargement and Improvement of Interstate Toll Bridges constituting a United Bridge Project:

Whenever the Department of Highways has heretofore or

may hereafter provide for uniting two or more interstate toll bridges into a single bridge project for financing purposes said Department may, notwithstanding any other provision of this chapter to the contrary, construct, enlarge and improve any bridge or bridges constituting such bridge project, and issue bonds from time to time ranking on a parity with each other for the purpose of paying the cost thereof, and may charge and collect tolls for traffic over the bridge or bridges constituting such project, and, after setting aside each year the prescribed amount of tolls and other revenues for interest and sinking fund for revenue bonds then outstanding for account of the bridge project, may use and apply all or any part of the balance thereof during each such year to the payment of all or any part of the cost of operation and maintenance of the bridge or bridges constituting such project, the costs of preliminary surveys, estimates and plans and specifications for the construction of an additional bridge or bridges or for enlargements and improvements to a bridge or bridges constituting a part of such project; provided, no bridge shall be so constructed, enlarged or improved, nor shall any tolls or other revenues from a bridge or bridges constituting a bridge project be used or applied except as may be permitted and provided in the trust indenture securing any bridge revenue bonds theretofore issued and then outstanding.

Section 2. Chapter 180 of the Kentucky Revised Statutes is amended by creating and adding thereto Section 180.106, reading as follows:

"Section 180.106 — Cost of Maintenance, Operation, Repair and Reconstruction of Interstate Toll Bridges.

Notwithstanding the provisions of any other section of this chapter, the Department of Highways may repair, enlarge or reconstruct any interstate bridge which at the time is being maintained and operated at the expense of the Department without contribution from the other state concerned or any of its instrumentalities, and may continue or reimpose, charge, and collect tolls for traffic over such interstate bridge for the purpose of paying the cost thereof, including the cost of any bonds issued for such purposes.

Section 3. KRS 180.070 is amended to read as follows:

"Negotiable Bridge Bonds May be Issued. The Department may issue negotiable bonds in order to raise funds to:

(1) Acquire right of ways or other real or personal property necessary for constructing a bridge or bridge approach:

(2) Pay for the purchase or condemnation of a bridge or a bridge approach;

(3) Build or cause to be built any bridge including approaches;

(4) Pay for the preparation of plans, specifications and blueprints, and other expenses incidental to the building or purchase of the bridge or bridge approach; and

(5) Pay the cost of bridge repair, enlargement, or reconstruction authorized under KRS 180.105 or KRS 180.106."

With Committee Substitute attached thereto as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Chapter 180 of the Kentucky Revised Statutes is amended by creating and adding thereto Section 180.105, reading as follows:

"Section 180.105.

(1) Whenever the Commissioner of Highways shall deem it necessary to construct a new bridge, or to enlarge an existing bridge by the addition of new lanes of traffic, or, by reason of a major catastrophe, to repair or reconstruct an existing bridge, he may, by order, unite into a single bridge project all interstate bridges owned by the Department of Highways which are situated not more than ten miles distant from each other.

(2) When, pursuant to subsection (1) hereof, any bridges are united into a single bridge project, bonds may be issued for the purpose of paying the cost of the building and construction of any such new bridge, or the performing of any of the other functions authorized under subsection (1) hereof, which may include the cost of reconstruction, maintenance and operation of

said bridge or bridges united into a single bridge project only for and during the time the said bonds are being paid and only up until the time same are retired and paid, and in order to pay and retire any and all bonds so issued, the Department of Highways may charge and collect tolls for vehicular traffic over the bridge or bridges constituting such single bridge project; provided, however, that the charging and collection of tolls shall not begin until the completion of any new bridge built or constructed or upon the completion of any of the other functions authorized under subsection (1) hereof, and shall terminate and be at an end after the completion of the payment of the bonds issued for said purpose or purposes; and further provided that nothing in this Act, or elsewhere contained, shall be construed to authorize the imposition, charge or collecting of tolls at any time for the maintenance or operation of said bridge or bridges after the bonds have been retired and paid."

Section 2. Chapter 180 of the Kentucky Revised Statutes is amended by creating and adding thereto Section 180.106, reading as follows:

"Section 180.106.

Notwithstanding the provisions of any other Section of this Chapter, the Department of Highways may repair, enlarge or reconstruct any interstate bridge not situated in a county already possessing two such bridges owned by the department, which at the time is being maintained and operated at the expense of the department without contribution from the other state concerned or any of its instrumentalities, and may continue or reimpose, charge, and collect tolls for traffic over such interstate bridge for the purpose of paying the cost thereof, including the cost of any bonds issued for such purposes."

Section 3. KRS 180.070 is amended to read as follows:

"Negotiable Bridge Bonds May be Issued. The department may issue negotiable bonds in order to raise funds to:

(1) Acquire right of ways or other real or personal property necessary for constructing a bridge or bridge approach;

(2) Pay for the purchase or condemnation of a bridge or bridge approach;

(3) Build or cause to be built any bridge including approaches;

(4) Pay for the preparations of plans, specifications and blueprints, and other expenses incidental to the building or purchase of the bridge or bridge approach; and

(5) Pay the cost of bridge construction, repair, enlargement or reconstruction authorized under KRS 180.105 or KRS 180.106."

Mr. Lowman moved that the Committee Substitute be adopted in lieu of H. B. No. 325.

Said motion was agreed to.

Said Committee Substitute adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	John Young Brown
Charles E. Baumgardner, Sr.	Leo A. Bleemel	Charles W. Buchanan
	Edward T. Breathitt, Jr.	Harry M. Caudill

Cassius M. Clay	Jennings H. Kearby	Edward D. Pollitte
Paul Cobb	Talmage Lacy	Paul T. Ratcliffe
William J. Conley	George H. Lovelace	Jack Raybourne, Jr.
R. Josh Cosby	Harry King Lowman	Robert Reid
Harold Edmonds	Shelby McCallum	William A. Routh
Thomas P. Fitzpatrick	William C. Mann	Cecil C. Sanders
Cabell D. Francis	Carl D. Melton	Mrs. Thelma L. Stovall
W. L. Hadden	Robert K. Montgomery	James Treadway
C. Ruby Harralson	Fred Morgan	Will Tom Wathen
George F. Harris	Eddie J. Morris	William B. Wells
Harold G. Helm	Thomas J. Murphy	Warren D. Williams
Henry R. Heyburn	Goebel W. Newsom, Jr.	Mrs. Randolph Wilson
Lon C. Hill	Foster Ockerman	Walker H. Wiseman
Chester J. Holsclaw	Louis T. Peniston	Paul E. Young
William M. Horn		

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Those who voted in the negative were—

Albert Dempsey	Lloyd E. Rogers	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills and resolutions originating in that body as follows, viz:

S. Res. No. 61. A JOINT RESOLUTION directing the Legislative Research Commission to study S. Bills No. 48 through No. 53 that have been introduced in the current session of the General Assembly.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Legislative Research Commission is hereby directed to make a study of Senate Bills 48 through 53 as introduced in the 1954 Session of the General Assembly of Kentucky with a view to making recommendations to the 1956 Session of the General Assembly of Kentucky concerning the purposes which such bills purport to accomplish and all problems relating thereto.

Sec. 2. A report concerning recommendations relative to Senate Bills 48 through 53 shall be made by the Legislative Research Commission to the 1956 Session of the General Assembly of Kentucky.

S. Res. No. 44. A JOINT RESOLUTION memorializing the Congress of the United States to make an appropriation for immediate start of construction of the Rough River Dam in Grayson and Breckinridge Counties of Kentucky.

Said resolution is as follows, viz:

WHEREAS, the plans and preliminary surveys for construction of the Rough River Dam in Grayson and Breckinridge Counties of Kentucky have been completed; and

WHEREAS, the immediate construction of said dam would result in great and lasting benefit to the people of the Commonwealth of Kentucky; and

WHEREAS, the Congress of the United States is now considering its appropriations for the coming fiscal year.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States be and it is memorialized to make an appropriation for the immediate start of construction of the Rough River Dam.

Section 2. This resolution shall be spread upon the minutes of the House and a copy thereof forwarded by the Clerk of the

House to each member of the Congressional delegation from Kentucky.

S. B. No. 199. AN ACT relating to metropolitan sewer districts and the extension or change of boundaries of such districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 76.170 shall be amended and reenacted to read as follows:

(1) The initial unit of the district embraces the area that is coterminous with the boundaries of the city of the first class, subject to extension in the county beyond the boundaries of such city, as in this chapter provided. Where such a metropolitan district has been formed to include a city of the first class, any territory annexed to such city shall thereby immediately become a part of the district. The district may construct and extend its initial sewer and drainage system and facilities beyond the corporate limits of such city of the first class and within the county in which such city is located (a) whenever the district and the owner or owners of real property to be served and located outside the limits of such city, by appropriate written instrument, agree as to apportionment of any and all costs of construction work, subsequent maintenance and operation appertaining thereto, and as to payments by the owner or owners of such real property, of rates, rentals and charges, for the services and facilities to be thus afforded, or (b) by order of the County Court of the County in which such district is located. Thereupon such real property served becomes a part of and is embraced in the district. In like manner the district may construct and extend its sewer and drainage system and facilities so as to serve all or any part of any other city or other incorporated area located in the same county, pursuant to a written agreement between the district and such other city or incorporated area approved by their respective governing boards or bodies. All such agreements referred to in this section shall be in appropriate form for recording and shall be filed of record with the county clerk as other instruments relating to transfer of or creating a lien upon such estate. Any such agreement entered into by the district

pursuant to this section may provide that the corporate boundaries of the district shall be enlarged and extended so as to include the real property of such other city or incorporated area, or part thereof, to be served pursuant to such agreement, and in such case when such instrument has been filed of record with the county clerk as aforesaid, the corporate boundaries of the district shall be thereby officially enlarged and extended so as to include same.

(2) The words "incorporated area" as used in this section, shall not mean or apply to any sanitation district organized under Chapter 220 of the Kentucky Revised Statutes.

Section 2. That a new section be added to Chapter 76 Kentucky Revised Statutes, reading as follows:

The territorial limits of an established metropolitan sewer district may be enlarged or diminished by agreement with owner or owners of land or in the following way:

(1.) The Board of the metropolitan sewer district shall file a petition with the County Court describing the territory to be annexed or stricken off and setting out the reasons therefor. No part of a city of the first class may be stricken off.

(2.) When the petition is filed, the County Clerk shall give notice of the filing by publication in three issues of a newspaper of general circulation in the county and by posting notices in three public places within the territory proposed to be annexed or stricken off.

Within 30 days after the third publication any person owning property within the territory proposed to be annexed to, or stricken off from, a metropolitan sewer district may file objections, and the Court shall set the case for hearing at the first rule day after the expiration of said thirty days. If the Court finds that the annexation of the described territory, or any part thereof, is reasonably necessary for the public health, convenience and comfort of the residents of the district, the Court shall make an order annexing such described territory or part thereof.

If the Court finds that the striking off of the land sought

to be stricken, or any part thereof, is advisable, the Court shall enter an order to that effect.

If the Court finds that the proposed change in boundaries either for extension thereof, or striking therefrom, is unnecessary, the Court shall dismiss the petition.

(3.) Any party may appeal to the Circuit Court from the order annexing territory to a metropolitan sewer district or striking territory from a metropolitan district or dismissing the petition, or annexing any part of the territory or refusing to annex any part of the territory or striking or refusing to strike any territory from the district. From a decision of the Circuit Court any party may appeal to the Court of Appeals.

S. B. No. 220. AN ACT relating to establishment of public street lighting districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Upon a petition signed by at least fifty-one percent of the voters, as determined by the registration books covering such territory, and living within the boundary of a proposed public street lighting district filed in the circuit court clerk's office of the county in which the greater part of such territory is located, not less than twenty days before the commencement of the next regular term of said court, and in courts of continuous sessions not less than twenty days before the first day of the next calendar month, notice of the filing of such petition and the object thereof having been published in two issues of some newspaper of general circulation in the county, and by notices posted for at least ten days before the commencement of the said court, one at the courthouse door, and three others at public places within the bounds of the proposed public street lighting district, the petition setting out the metes and bounds of the proposed public street lighting district, to include only property abutting such street or highway to be illuminated, the number of voters thereof, and such other facts as may be thought proper, on the second day of the term, and in courts of continuous session on the day provided for in such notice, the court

shall, if proper notice has been given, and publication made, and no written objection, remonstrance or defense is interposed, enter a judgment establishing a public street lighting district in accordance with the prayer of the petition, naming it, and describing the boundary thereof by metes and bounds. Defense, objection or remonstrance may be made to the petition by any inhabitant of the proposed public street lighting district, or any person owning property therein, and if defense, objection or remonstrance is made, the court shall hear and determine the same, and render a judgment establishing or refusing to establish the public street lighting district as may seem proper. The pleadings and practice as herein provided shall be the same as in civil cases, as nearly as may be practicable and in accordance with Kentucky Rules of Civil procedure, with right of appeal as therein provided. Such appeal shall be advanced upon the docket.

(2) In no event shall any public street lighting district include within its metes and bounds any territory at that time or thereafter included in any city of this Commonwealth, or any territory which does not abut upon the street or highway sought to be illuminated.

Section 2. (1) The territorial limits of an established public street lighting district as established under this Act may be enlarged or diminished in the following way: The public street lighting district trustees shall file a petition in the circuit court clerk's office of the county in which that district and the territory to be annexed or stricken off, or the greater part thereof, is located, not less than thirty days before the next regular term of said court, and in courts of continuous session not less than thirty days before the first day of a succeeding calendar month, describing the territory to be annexed or stricken and setting out the reasons therefor. Notice of the filing of such petition shall be given by publication and posting in the same manner as provided for in Subsection (1) of Section 1 of this Act. On the second day of the term, and in courts of continuous session on the day fixed in the notice, the court shall, if the proper notice has been given, and publication made, and no written defense, objection or remonstrance is interposed enter a judgment annexing or striking off the territory described in the petition. Fifty-one percent or

more of the freeholders of the territory sought to be annexed or stricken off may, at any time before the next regular term of said court, and in courts of continuous session at any time before the date fixed in the notice, remonstrate in writing, filed in the clerk's office, to the action proposed. If such written remonstrance be filed said clerk shall promptly give notice to the trustees of the public street lighting district, and the court shall promptly set the case for a hearing. If, upon such hearing, the court finds from the evidence that a failure to annex or strike off such territory will materially retard the functioning of the public street lighting district and materially affect adversely the owners and inhabitants of the territory sought to be annexed or stricken off, it shall enter a judgment granting the annexation or striking off of the territory. In the latter event, no new petition to annex or strike off all or any part of the same territory shall be entertained for a period of two years. The pleadings and practice herein provided shall be the same as in civil cases, and in accordance with the Kentucky Rules of Civil Procedure, with right of appeal to the Court of Appeals within sixty days. Such appeal shall be advanced upon the docket.

(2) The property in any territory annexed to a public street lighting district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the public street lighting district prior to the date of the annexation of such territory. The property in any territory stricken off from a public street lighting district shall not be relieved of liability of such taxes as may be necessary to pay its proportionate share of the indebtedness incurred while such territory was a part of that district.

Section 3. (1) Upon the creation of a public street lighting district as provided in this Act, it shall be the duty of the county judge to call an election in such district, which election shall be held within the district not later than thirty days after final judgment creating the district is entered, and thereafter an election shall be held on the first Saturday in May of each year. At such election all registered voters, as determined by the registration books covering such territory, and no other, shall be eligible to vote. At such elections three public street lighting district trustees shall be elected, who shall be resident taxpayers and voters of the public street lighting district. The first

trustees elected shall hold office as follows: The candidate receiving the highest number of votes shall be elected for a term of three years; the candidate receiving the second highest number of votes shall be elected for a term of two years, and the candidate receiving the third highest number of votes shall be elected for a term of one year. In case of a tie, the length of the terms of the candidates shall be determined by lot. On the expiration of the respective terms of offices aforesaid, the successor of the trustee whose term is expired shall be elected for a term of three years. In the event of a vacancy in any term caused by death or otherwise, and there are two remaining trustees, the remaining trustees shall elect a trustee to fill out the unexpired term caused by such vacancy. If there are less than two trustees remaining the county judge shall fill the vacancies. All trustees shall hold office for the terms of their election and until their successors are elected and qualified.

(2) Such persons as are delegated by the county judge for that purpose shall preside at the election in each public street lighting district. Said election shall be held on the day designated by the county judge at such places in the district selected by the county judge, and shall be by printed ballot, the polls to be open from 6:00 A. M. to 4:00 P. M. The county judge shall make regulation for the tabulation of the ballots, such tabulation to be held immediately upon the close of the polls, at the place designated by the county judge. All expenses incident to said election, including the providing and printing of ballots, shall be paid out of the funds of the district.

(3) Such trustees shall elect from their number a chairman and a secretary and treasurer, the latter of who shall give bond in such amount as shall be determined by the county judge of the county in which the public street lighting district is located, conditioned upon the faithful discharge of the duties of his office, and the faithful accounting for all funds which may come into his possession as such treasurer. The premiums on such bonds shall be paid out of the funds of the district.

Section 4. Upon the creation of a public street lighting district as provided in this Act, the trustees of such district are hereby authorized to establish and operate a public street light-

ing district and to levy a tax upon the property in said district, subject to county tax, and not exceeding twenty cents per one hundred dollars of valuation as assessed for county taxes, for the purpose of defraying the expenses of such establishment, maintenance, and operation of said public street lighting department or district, or to make contracts for public street lighting for such district as provided in this Act. After the tax has been levied as herein provided, such trustees shall certify the same to the sheriff of the county in which the public street lighting district is located, who shall collect such tax when and as the county taxes are collected by him. Any delinquent public street lighting district taxes shall bear the same interest and penalties as do delinquent county taxes. For the collection of the tax the sheriff shall be entitled to a commission of one percent of the amount collected.

S. B. No. 230. AN ACT relating to prior service credit for Teachers Retirement purposes for veterans of World War I.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any honorably discharged veteran of World War I who is a member of the Teachers Retirement System in good standing, may receive prior service credit for such military service, not to exceed and enlistment of four years, upon presenting his discharge papers or a certified photostatic copy of the same to the Board of Trustees of the Teachers Retirement System and their acceptance of this or other sufficient evidence as to the validity of the military service presented for credit. In no case shall any member receive credit for more than thirty years of prior service including any military service accredited.

S. B. No. 242. AN ACT relating to probation and parole.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 439.150 of the Kentucky Revised Statutes is amended to read as follows:

Prisoners paroled from a state penal institution shall at all times during the continuance of the parole be under the control and supervision of and subject to the orders, rules and directions of and in the legal custody of the Department.

The Department shall have the authority to give the paroled prisoners a final release from parole and shall issue to the parolee who has satisfactorily completed his period of parole, a certificate of discharge. After final discharge has been issued by the Department the parolee may not be held again for violation of that parole.

S. B. No. 243. AN ACT relating to probation and parole.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 439.030 of the Kentucky Revised Statutes is amended to read as follows:

When directed by the court, a probation officer shall fully investigate and report to the court in writing the circumstances of the offenses, criminal record, social history and present condition of the defendant. No defendant charged with a felony shall be placed on probation or released under the post-ponement of rendition of judgment until the report of the investigation has been presented to and considered by the court. Whenever practicable the investigation shall include physical and mental examinations of the defendant. The court shall direct that defendants placed on probation shall be under the supervision of the Division of Probation and Parole.

S. B. No. 244. AN ACT relating to circuit court stenographic reporters.

Said bill is as follows, viz:

Section 1. Section 28.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each circuit judge may appoint an official stenographic reporter for his court or division, except that if his judicial district embraces more than one county, none of which contains a city of the second class, he shall appoint one official

stenographic reporter for the district. The reporter shall be skilled in the profession, and shall hold office at the pleasure of the judge.

Section 2. That Section 28.490 be and the same is hereby repealed.

Ordered that said bills and resolutions be printed and referred.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 328. AN ACT relating to toll bridges, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 180.130 is amended to read as follows:

"The cost of maintenance and operation of all bridges purchased, built, repaired, enlarged, or reconstructed, in whole or in part, from the bonds issued under KRS 180.070 shall be paid from appropriations made to the Department; provided, however, that while any such bonds are outstanding the Department may be reimbursed for such cost out of the bridge tolls and revenues, if and to the extent permitted by the trust indenture for such bonds, and otherwise may be so reimbursed by the continuation of tolls for traffic over the pertinent bridge or bridges after the bonds are retired.

(2) The Department may pay from its appropriations any part of the cost of any bridges for which the bonds are issued."

Mr. Lowman offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, section 1, line 11. Delete the period at the end of the sentence and add: ", but no longer than necessary to pay such costs as may have been borne by the Department during the life of the bonds."

Said motion agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Foster Ockerman
Wallace Bartley	W. L. Hadden	Louis T. Peniston
Charles E. Baumgardner, Sr.	C. Ruby Harralson	Edward D. Pollitte
Leo A. Bleemel	Harold G. Helm	Paul T. Ratcliffe
J. Murray Blue	Henry R. Heyburn	Jack Raybourne, Jr.
Edward T. Breathitt, Jr.	Lon C. Hill	Robert Reid
John Young Brown	Chester J. Holsclaw	William A. Routh
Charles W. Buchanan	William M. Horn	Cecil C. Sanders
Harry M. Caudill	Talmage Lacy	Mrs. Thelma L. Stovall
Cassius M. Clay	George H. Lovelace	James Treadway
William J. Conley	Harry King Lowman	Will Tom Wathen
R. Josh Cosby	Robert K. Montgomery	William B. Wells
Harold Edmonds	Eddie J. Morris	Mrs. Randolph Wilson
	Thomas J. Murphy	Walker H. Wiseman
	Goebel W. Newsom, Jr.	Paul E. Young

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Those who voted in the negative were—

Albert Dempsey Lloyd E. Rogers Charles W. Wirsch —3

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 372. AN ACT relating to zoning and planning in second-class cities and in counties containing such cities.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 100.010 of the Kentucky Revised Statutes is hereby amended to read as follows:

As used in KRS 100.320 to 100.990, unless the context requires otherwise:

(1) "Mayor" means the chief elected official of the city whether the official designation of his office is mayor, chairman of the board of trustees or otherwise;

(2) "Legislative body" means the chief legislative body of the city, whether it is a board of aldermen, general council, board of commissioners, or otherwise;

(3) "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts and other ways;

(4) "Subdivision" means the division of a tract of land into two or more divisions for the purpose, whether immediate or future, of sale for building development, and includes resubdivision;

(5) "County commissioners" means chief administrative or legislative body of the county;

(6) "Planning area" means the city and adjoining territory which by reason of existing or impending development bears relation to the proper growth and development of the city.

(7) "Commission" means planning commission.

Section 2. Section 100.320 of the Kentucky Revised Statutes is hereby amended to read as follows:

Each city of the second class and counties containing such cities shall establish a planning commission for the planning area in accordance with the provisions of Section 3 of this Act.

Section 3. Section 100.330 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Each commission shall consist of five "city members" and two "county members." Appointive members of the commission may be paid such compensation as may be prescribed jointly by ordinance of the city and resolution of the county legislative body or bodies but compensation per member shall not exceed ten dollars for each meeting attended, nor shall any compensation be paid for meetings in excess of twenty-five during any fiscal year.

(2) The city members shall be chosen in the following manner: The mayor and supervisor of public works shall be ex officio members of the commission; the mayor shall appoint the remaining three city members who shall be residents of the city and shall hold no other city or county office.

(3) The county members shall be chosen in the following manner: The county engineer shall be an ex officio member of the commission; the remaining county member shall be chosen by the fiscal court and shall be a resident of the county outside the limits of the city holding no other city or county office. If the county has no county engineer, the fiscal court shall designate one of its members to serve in his place.

(4) The members initially appointed by the mayor shall hold office according to designation in their appointment, one of them for two years, and the others for terms of four years

each, and upon the expiration of their respective terms, the successor of each shall hold his office for a term of four years. Vacancies in the offices of members appointed by the mayor shall be filled by successors appointed by the mayor for unexpired term.

(5) The county member initially chosen by the fiscal court shall hold office for a term which shall expire two years after the next elective period of the county engineer and his successors shall hold office for a term of four years. Vacancies in the office of the appointive county member shall be filled by a successor appointed by the fiscal court for the remainder of the term of office in which the vacancy has occurred.

(6) Where any ex officio member in the employment of the city or county vacates his official position he shall ipso facto vacate his office as a member of the commission. Any incumbent otherwise qualified under this section shall hold office until his successor is chosen and qualified, provided, however, that appointed members may be removed by the appointing authority on written charges after a public hearing.

Section 4. Section 100.350 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The commission may make and adopt plans and maps of the whole or any portion of the planning area and it may make changes in the plans or maps when it deems it advisable.

(2) In the maps or plans the commission may provide among other things for changed regulations of all facilities for traffic, transportation or communication and for new or changed harbors, streets, street fixtures, bridges, subways, parks, playgrounds or any other public grounds or public structures or public improvements or appurtenances, and for the general location and extent of public utilities and terminals whether publicly or privately owned or operated, for water, light, santitation, transportation, communication, power or other purposes, and for the removal, relocation, widening, narrowing, abandonment or extension of any public ways or works or structures with a view to the systematic planning of the city and its environs.

(3) The commission may make and adopt plans for the control, development and preservation of historical landmarks, for the design and location of statuary and other works of art which are or may become the property of the city or the county, and may make recommendations to any public authorities or to any persons in the planning area concerning the location of any building, structures or works to be constructed by them.

(4) The commission may lay off and establish in the planning area zones or districts of such number, shape and area as the commission believes are best to carry out the purposes of KRS 100.320 to 100.490, and from time to time change zones or districts as to area or boundary or location. The zones or districts shall be designated by maps or plans as well as by boundaries, and the boundaries may be expressed in general descriptive terms. The commission may make and adopt maps or plans showing the zones or districts, or changes, with appropriate designations, and may prescribe and enforce regulations and restrictions on the construction, alteration, repair or use of buildings, structures or land, including the regulation and restriction of the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, and size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

(5) All regulations and restrictions shall be uniform for each class or kind of buildings throughout each zone or district, but the regulations or restrictions in one zone or district, may differ from those in other zones or districts.

(6) The commission may enter upon lands and make examinations and surveys for the purpose of exercising its powers.

(7) The commission may make, print and publish and distribute generally copies of any plan, map, report or recommendation made by it.

Section 5. Section 100.355 of the Kentucky Revised Statutes is hereby repealed.

Section 6. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

The commission shall have the same authority to reserve land for future acquisition for public streets and recreation areas as is given to the planning commissions of third, fourth, fifth and sixth class cities by KRS 100.790 to 100.830 for streets and the same procedure for reservation, acquisition and payment provided by those sections shall be applicable.

Section 7. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

(1) Whenever the legislative body has adopted the master plan, or any part of the master plan or amendment thereto, of the planning area or of one or more major districts thereof, no street, square, park, or other public ground, or open space or public building or structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the planning area or planned district which does not conform to the recommendations of the plan until the location, character and extent thereof has been approved by the commission.

(2) In case of disapproval the commission shall communicate its reasons to the legislative body which may overrule the disapproval by the recorded vote of not less than a majority of its entire membership. If the public way, ground, space, building, structure or utility is one the authorization or financing of which is not within the jurisdiction of the legislative body, then the submission to the planning commission shall be by the body having jurisdiction and the commission's disapproval may be overruled by such body by a vote of not less than two-thirds of its membership. If the commission fails to set on a proposal within sixty days after submission, approval shall be conclusively presumed.

Section 8. Subsection (1) of Section 100.360 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) All plats of the subdivision of lands within the planning area, and all instruments of dedication of land for public use, shall be submitted to the commission and approved by it in writing before they are offered for record or accepted by the legislative body. The approval of the commission shall not be deemed the legislative body's acceptance of the dedication of

any street or other public ground shown on the plat or set forth in the instrument.

Section 9. Subsection (2) of Section 100.360 of the Kentucky Revised Statutes is hereby amended to read as follows:

(2) No street or other public ground shown on a subdivision plat of land within the planning area shall be accepted by the city or county unless the plat and location have been approved by the commission. But the legislative body may submit to the commission an ordinance proposing to accept the dedication of any unapproved street or ground, and, if approved by the commission, the city or county may accept the dedication by a majority vote of its legislative body, or, if disapproved by the commission, the dedication may be accepted by a vote of not less than two-thirds of the legislative body.

Section 10. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

(1) No person or his agent shall subdivide any land, before securing the approval of the planning commission, in the manner prescribed in KRS 100.360, of a plat designating the areas to be sold, and no plat of a subdivision of land within the planning area shall be recorded by the county clerk until said plat has been approved by the commission and the approval entered thereon in writing by the chairman or secretary of the commission.

(2) No subdivider owning land composing a subdivision, nor his agent, shall transfer or sell or agree to sell any lot or parcel of land located within such subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has been approved as provided in KRS 100.360. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but any and all rights of such purchaser to damages, if any, are hereby preserved.

(3) The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt such owner or agent from the penalties provided for in

subsection (1) of KRS 100.990, or deprive the purchaser of any rights or remedies he may otherwise have.

Section 11. Section 100.370 of the Kentucky Revised Statutes is hereby amended to read as follows:

The commission may employ and discharge city and regional planners, landscape and other architects, engineers, draftsmen, clerks and other subordinates and obtain other professional services necessary for the performance of its functions.

Section 12. Section 100.420 of the Kentucky Revised Statutes is hereby amended to read as follows:

Any regulations, restrictions or boundaries established by the commission may from time to time be amended or repealed. But no change shall be made unless the change is approved by a majority vote of the entire membership of the commission and the ordinance or resolution adopting the change is approved by a vote of not less than a majority of the entire membership of the legislative body.

Section 13. Section 100.450 of the Kentucky Revised Statutes is hereby amended to read as follows:

Applications to the board of adjustment for special exception or relief by way of variance may be made by any property owner or tenant aggrieved, and appeals to said board may be taken by any property owner or tenant, or any city officer, department, board or bureau affected by any ruling of any administrative officer in the enforcement of KRS 100.320 to 100.490 or any ordinance or resolution enacted pursuant thereto.

Section 14. Subsection (1) of Section 100.460 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The board of adjustment shall fix a reasonable time for the hearing of any application for special exception or variance, or for the hearing of an appeal. It shall give public notice thereof by three insertions in some daily newspaper of general circulation in said city of the second class, the first of which insertions shall be published ten days prior to the day fixed for the hearing. Upon the hearing, any party may appear in person or by agent

or by attorney, and the board shall decide the application or appeal within a reasonable time.

Section 15. Subsection (1) of Section 100.470 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The board of adjustment may:

(a) Adopt rules and regulations for its own government, not inconsistent with any law, city ordinance or order or resolution of the fiscal court, with reference to the plans under consideration by the board;

(b) Hear and decide appeals and applications for special exceptions;

(c) Authorize, upon application for variance, such variances from the terms of the ordinance or of any plans, rules, or regulations made thereunder, as will not be contrary to the public interest, where a literal enforcement of the provisions of the ordinance, plans, rules or regulations would result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

Section 16. Subsection (3) of Section 100.470 of the Kentucky Revised Statutes is hereby repealed.

Section 17. Subsection (5) of Section 100.980 of the Kentucky Revised Statutes is hereby amended to read as follows:

(5) A city, or the fiscal court of the county in which the city is located, or the planning commission may bring an action in the circuit court to prevent, correct or abate the unlawful erection, construction, alteration, repair, maintenance, sale or use of any building, structure or land, or to prevent any act on or about such premises, in violation of KRS 100.320 to 100.490 or any ordinance or regulation made thereunder.

Section 18. Subsection (1) of Section 100.990 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Except as otherwise specifically provided in KRS 100.031 to 100.097, or in KRS 100.980 or in this section, any person, firm, or corporation violating any provisions of KRS 100.020 to 100.970 or of any ordinance, resolution or order, or

adjustment or amendment thereto, passed, adopted or approved under authority of KRS 100.020 to 100.970, or any lawful order of the commission or the board of the zoning enforcement officer, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than twenty days, or both so fined and imprisoned. Each and every day during which such violation continues shall be deemed a separate offense.

Section 19. Subsection (5) of Section 100.990 of the Kentucky Revised Statutes is hereby amended to read as follows:

(5) Any county clerk who violates the provisions of subsection (1) of Section 8 of this Act or subsection (1) of KRS 100.730 shall be fined not less than one hundred nor more than five hundred dollars.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	J. Murray Blue
Wallace Bartley	Leo A. Bleemel	Edward T. Breathitt, Jr.

Charles W. Buchanan	Lon C. Hill	Roger E. Qualls
Harry M. Caudill	Chester J. Holsclaw	Paul T. Ratcliffe
Cassius M. Clay	William M. Horn	Jack Raybourne, Jr.
William J. Conley	Talmage Lacy	Robert Reid
R. Josh Cosby	James W. Lambert	Lloyd E. Rogers
Vernor O. Cottengim	George H. Lovelace	William A. Routh
W. Marvin Davis	Harry King Lowman	Cecil C. Sanders
Albert Dempsey	William C. Mann	Mrs. Thelma L. Stovall
Harold Edmonds	Carl D. Melton	Will Tom Wathen
Thomas P. Fitzpatrick	Robert K. Montgomery	Morris Weintraub
Cabell D. Francis	Thomas J. Murphy	Mrs. Randolph Wilson
W. L. Hadden	Goebel W. Newsom, Jr.	Charles W. Wirsch
C. Ruby Harralson	Foster Ockerman	Walker H. Wiseman
Harold G. Helm	Louis T. Peniston	
Henry R. Heyburn	Edward D. Pollitte	—49

There voted in the negative—

James Treadway —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 51. A JOINT RESOLUTION directing the Legislative Research Commission to study the desirability of exempting timberland from existing taxation and imposing in lieu thereof, a severance tax on each tree, and to report its findings to the 1956 General Assembly.

Said resolution is as follows, viz:

WHEREAS, the taxes now imposed on timberland are inequitable and inadequate; and

WHEREAS, a severance tax imposed on each tree would eliminate many of the tax inequities and inadequacies now existing;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is hereby directed to study the desirability of exempting timberland from all taxes as now imposed, and imposing in lieu thereof, a severance tax on each tree grown.

Section 2. The Legislative Research Commission shall report its findings and recommendations to the 1956 General Assembly.

Mr. Newsom offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, section 1, line 4. By deleting the term "on each tree grown" and inserting in lieu thereof the term "on trees utilized for commercial purposes."

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with,

said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Foster Ockerman
Wallace Bartley	W. L. Hadden	Louis T. Peniston
Charles E. Baumgardner, Sr.	C. Ruby Harralson	Edward D. Pollitte
Leo A. Bleemel	Harold G. Helm	Roger E. Qualls
Edward T. Breathitt, Jr.	Henry R. Heyburn	Paul T. Ratcliffe
John Young Brown	Lon C. Hill	Jack Raybourne, Jr.
Charles W. Buchanan	Chester J. Holsclaw	Robert Reid
Harry M. Caudill	William M. Horn	Lloyd E. Rogers
Cassius M. Clay	Jennings H. Kearby	William A. Routh
William J. Conley	Talmage Lacy	Cecil C. Sanders
R. Josh Cosby	James W. Lambert	Mrs. Thelma L. Stovall
Vernor O. Cottengim	George H. Lovelace	James Treadway
W. Marvin Davis	Harry King Lowman	Will Tom Wathen
Albert Dempsey	William C. Mann	Mrs. Randolph Wilson
Harold Edmonds	Carl D. Melton	Charles W. Wirsch
Thomas P. Fitzpatrick	Robert K. Montgomery	Walker H. Wiseman
	Eddie J. Morris	
	Thomas J. Murphy	
	Goebel W. Newsom, Jr.	—51

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 22. A JOINT RESOLUTION au-

thorizing Margaret Ann Minix, Administratrix of the estate of W. T. Stafford, Sr., deceased, to sue the Commonwealth of Kentucky and the Department of Highways thereof, or either.

Said Resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Margaret Ann Minix, administratrix of the estate of W. T. Stafford, Sr., deceased, is authorized to sue the Commonwealth of Kentucky and the Department of Highways thereof, or either, in the Lawrence Circuit Court, for damages and medical expenses, if any, sustained by said estate by the alleged negligence of the Department of Highways, by and through its officers, agents and employes acting or failing to act in the line of their duties.

Section 2. The suit shall be for a sum not in excess of fifty thousand dollars.

Section 3. The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
Harold Edmonds
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
William C. Mann
Carl D. Melton
Robert K. Montgomery
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
Mrs. Thelma L. Stovall
James Treadway
Will Tom Wathen
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 45. A JOINT RESOLUTION authorizing the payment of a pauper idiot claim to Cola Combs of Perry County, Kentucky, committee for Samantha Mix.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Cola Combs, of Perry County, Kentucky, committee for Samantha Mix, possesses a pauper idiot claim in the amount of $37.50 which was allowed by the Perry Circuit Court at the September, 1952, term.

It appearing that the claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that the claim is a just claim against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay the claim when presented by Cola Combs, of Perry County, Kentucky, and the Statute of Limitations as now provided by law shall not be a bar to the payment of the claim, and the amount necessary to pay it, being $37.50, is hereby appropriated out of the General Expenditure Fund in the State Treasury for that purpose.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
Harold Edmonds
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
William C. Mann
Carl D. Melton
Robert K. Montgomery
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
Mrs. Thelma L. Stovall
James Treadway
Will Tom Wathen
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman

—51

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the followig title, viz:

House Resolution No. 53. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission of milk prices in Kentucky.

Said Resolution is as follows, Viz:

WHEREAS, the dairy industry is an essential element in the economy of the Commonwealth; and

WHEREAS, it appears that a great difference exists between the price paid farmers for raw milk and the price charged consumers; and

WHEREAS, it appears that a thorough examination of the price structure of the milk industry and the expenses entailed in milk production and distribution is desirable;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is hereby authorized and directed to make a careful and impartial study of milk prices and an analysis of the expenses entailed in milk production and distribution in the Commonwealth.

Section 2. The Legislative Research Commission shall submit to the General Assembly, as soon as practicable but no later than December 1, 1955, a report embodying the results and conclusions of the study hereby authorized and directed.

Section 3. The Legislative Research Commission in effectuating this resolution shall have the cooperation and assistance

of the University of Kentucky College of Agriculture, the Agricultural Experiment Station, the Commissioner of Agriculture, Labor and Statistics and such other agencies, officers and consultants as it may deem necessary.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cassius M. Clay	Harold G. Helm
Wallace Bartley	William J. Conley	Henry R. Heyburn
Charles E. Baumgardner, Sr.	R. Josh Cosby	Lon C. Hill
Leo A. Bleemel	Vernor O. Cottengim	Chester J. Holsclaw
Edward T. Breathitt, Jr.	W. Marvin Davis	William M. Horn
John Young Brown	Albert Dempsey	Jennings H. Kearby
Charles W. Buchanan	Harold Edmonds	Talmage Lacy
Harry M. Caudill	Thomas P. Fitzpatrick	James W. Lambert
	Cabell D. Francis	George H. Lovelace
	W. L. Hadden	Harry King Lowman
	C. Ruby Harralson	William C. Mann
		Carl D. Melton

Robert K. Montgomery	Edward D. Pollitte	Mrs. Thelma L. Stovall
Eddie J. Morris	Roger E. Qualls	James Treadway
Thomas J. Murphy	Paul T. Ratcliffe	Will Tom Wathen
Goebel W. Newsom, Jr.	Jack Raybourne, Jr.	Mrs. Randolph Wilson
Foster Ockerman	Robert Reid	Charles W. Wirsch
Louis T. Peniston	Lloyd E. Rogers	Walker H. Wiseman
	William A. Routh	
	Cecil C. Sanders	

—51

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 56. A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make a study and report of the conditions of retail installment financing in Kentucky.

Said Resolution is as follows, Viz:

WHEREAS, there is considerable interest in the problem of retail installment financing in Kentucky; and

WHEREAS, the legislation has been proposed for the purpose correcting this problem in the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Legislative Research Commission be and it is authorized and directed to make a comprehensive study of all classes of retail installment sales and contracts, taking into consideration the specific goods involved and the availability

of credit facilities to individuals who do not have security generally required by commercial banks.

(a). That the Commissioner of Banking shall assist and advise with the Legislative Research Commission in making said study.

2. That the Legislative Research Commission shall submit to the next General Assembly the findings and recommendations of the study hereby authorized and directed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resoluitnon was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.
Wallace Bartley	Leo A. Bleemel	John Young Brown

Charles W. Buchanan	Lon C. Hill	Louis T. Peniston
Harry M. Caudill	Chester J. Holsclaw	Edward D. Pollitte
Cassius M. Clay	William M. Horn	Roger E. Qualls
William J. Conley	Jennings H. Kearby	Paul T. Ratcliffe
R. Josh Cosby	Talmage Lacy	Jack Raybourne, Jr.
Vernor O. Cottengim	James W. Lambert	Robert Reid
W. Marvin Davis	George H. Lovelace	Lloyd E. Rogers
Albert Dempsey	Harry King Lowman	William A. Routh
Harold Edmonds	William C. Mann	Cecil C. Sanders
Thomas P. Fitzpatrick	Carl D. Melton	Mrs. Thelma L. Stovall
Cabell D. Francis	Robert K. Montgomery	James Treadway
W. L. Hadden	Eddie J. Morris	Will Tom Wathen
C. Ruby Harralson	Thomas J. Murphy	Mrs. Randolph Wilson
Harold G. Helm	Goebel W. Newsom, Jr.	Charles W. Wirsch
Henry R. Heyburn	Foster Ockerman	Walker H. Wiseman

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said Resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 85. A JOINT RESOLUTION authorizing payment of a claim by the hereinafter named county clerks against the Department of Highways and the Commonwealth of Kentucky.

Said Resolution is as follows, Viz:

WHEREAS, during the biennium 1952-1954 the hereinafter named County Clerks recorded deeds for the Department of Highways, Commonwealth of Kentucky, for the amounts stated and the said County Clerks were not reimbursed for the services rendered:

CLERK	COUNTY	AMOUNT
Ed. D. Patton	Bourbon	$ 128.00
J. B. Nichols, Jr.	Boyle	138.00
Randall B. Patterson	Calloway	56.00
J. Porter Land	Fayette	150.00
DuRan Moore	Floyd	132.00
Walter Edmondson	Gallatin	98.00
W. G. Henderson	Grayson	32.00
J. L. O'Bryan	Greenup	184.00
Ruby Middleton Ader	Harlan	60.00
Johnie Wright	Hart	448.00
Glenn A. Wilson	Henderson	231.00
W. R. Lefner	Henry	14.00
Velma Vivrette	Hickman	44.00
W. J. Bauereis	Kenton	110.00
Roy Mullins	Knott	70.00
Otis Howell	LaRue	102.00
W. H. Moore	Lawrence	144.00
Mark Clayton	Marshall	88.00
Ruby Pierce	McCracken	361.00
Austin Hill	Morgan	30.00
T. J. Nicely (ex-clerk)	Rockcastle	337.25
Hildreth Harber	Robertson	92.00
Hadley, Kenneth W.	Russell	184.50
J. W. Temple (ex-clerk)	Simpson	15.00
R. A. Magraw	Trigg	90.00
John M. Smothers	Washington	76.00
Herbert Miller	Wolfe	42.00
	Total	$3,456.75

NOW THEREFORE be it resolved by the General Assembly of the Commonwealth of Kentucky that the amount of Three Thousand Four Hundred Fifty Six Dollars and Seventy-Five Cents ($3,456.75) is hereby appropriated out of the State Road Fund to reimburse the hereinabove named County Clerks for the amounts stated which is considered just payment for the services rendered to the Department of Highways, Commonwealth of Kentucky during the biennium 1952-1954 for the recordation of deeds for right-of-ways obtained in the said coun-

ties by the Department of Highways, Commonwealth of Kentucky.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	R. Josh Cosby	William M. Horn
Wallace Bartley	Vernor O. Cottengim	Jennings H. Kearby
Charles E. Baumgardner, Sr.	W. Marvin Davis	Talmage Lacy
Leo A. Bleemel	Albert Dempsey	James W. Lambert
Edward T. Breathitt, Jr.	Harold Edmonds	George H. Lovelace
John Young Brown	Thomas P. Fitzpatrick	Harry King Lowman
Charles W. Buchanan	Cabell D. Francis	William C. Mann
Harry M. Caudill	W. L. Hadden	Carl D. Melton
Cassius M. Clay	C. Ruby Harralson	Robert K. Montgomery
William J. Conley	Harold G. Helm	Eddie J. Morris
	Henry R. Heyburn	Thomas J. Murphy
	Lon C. Hill	Goebel W. Newsom, Jr.
	Chester J. Holsclaw	

Foster Ockerman	Robert Reid	James Treadway
Louis T. Peniston	Lloyd E. Rogers	Will Tom Wathen
Edward D. Pollitte	William A. Routh	Mrs. Randolph Wilson
Roger E. Qualls	Cecil C. Sanders	Charles W. Wirsch
Paul T. Ratcliffe	Mrs. Thelma L. Stovall	Walker H. Wiseman
Jack Raybourne, Jr.		

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 93. A JOINT RESOLUTION memorializing the Congress of the United States to enact legislation for the protection of the fluorspar industry.

Said Resolution is as follows, Viz:

WHEREAS, the mining of fluorspar constitutes a major industrial activity of Livington, Crittenden and Caldwell counties in this commonwealth; and

WHEREAS, the existence of conditions which have a harmful effect upon the fluorspar mining industry as a whole would have a direct and harmful effect upon such industry in Kentucky and hence, upon the economies of the counties aforementioned; and

WHEREAS, the low cost of labor in other countries wherein fluorspar is mined makes possible sale of it in the United States at a fraction of the price which domestic producers must obtain, with the result that imports of fluorspar have risen from thirty-eight and seven tenths percent of U. S. consumption in 1950 to sixty-one percent of such consumption in 1953; and

WHEREAS, increased importation of fluorspar has caused

the closing of many mines in this country, including a large number of such mines in the counties of Kentucky, aforementioned; and

WHEREAS, the closing of such mines results in the flooding of the shafts and deterioration of supports to the extent that defense production in times of national emergency would be seriously hampered by a delay of from three to six months required for restoration of the mines to workable condition; and

WHEREAS, the closing of fluorspar mines in the counties of Kentucky aforementioned has already had a serious and adverse effect upon the economies of said counties; and

WHEREAS, the domestic industry of fluorspar mining can be protected by the enactment of appropriate Federal legislation;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States be memorialized to protect the domestic industry of fluorspar mining by enacting legislation which would either establish quota restrictions on importation of fluorspar or would raise the existing tariff on fluorspar containing ninety-seven percent or more of CaF_2 to eight dollars and forty cents per gross ton and on fluorspar containing less than ninety-seven percent of CaF_2 to sixteen dollars and forty cents per gross ton.

Section 2. That the Clerk of the House of Representatives be directed to forward copies of this Joint Resolution to the members of Congress from Kentucky and to the Clerks of the Senate and House of Representatives of the Congress of the United States.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Foster Ockerman
Wallace Bartley	W. L. Hadden	Louis T. Peniston
Charles E. Baumgardner, Sr.	C. Ruby Harralson	Edward D. Pollitte
Leo A. Bleemel	Harold G. Helm	Roger E. Qualls
Edward T. Breathitt, Jr.	Henry R. Heyburn	Paul T. Ratcliffe
John Young Brown	Lon C. Hill	Jack Raybourne, Jr.
Charles W. Buchanan	Chester J. Holsclaw	Robert Reid
Harry M. Caudill	William M. Horn	Lloyd E. Rogers
Cassius M. Clay	Jennings H. Kearby	William A. Routh
William J. Conley	Talmage Lacy	Cecil C. Sanders
R. Josh Cosby	James W. Lambert	Mrs. Thelma L. Stovall
Vernor O. Cottengim	George H. Lovelace	James Treadway
W. Marvin Davis	Harry King Lowman	Will Tom Wathen
Albert Dempsey	William C. Mann	Mrs. Randolph Wilson
Harold Edmonds	Alton B. Mitchell	Charles W. Wirsch
Thomas P. Fitzpatrick	Robert K. Montgomery	Walker H. Wiseman
	Eddie J. Morris	
	Thomas J. Murphy	
	Goebel W. Newsom, Jr.	—51

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution

was passed be reconsidered and that said motion be laid on the table.

Sail last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 60. A JOINT RESOLUTION authorizing payment of a claim by Sherman Combs against the Department of Highways and the Commonwealth of Kentucky.

Said Resolution is as follows, Viz:

WHEREAS, on February 28, 1950, Sherman Combs, an employe of the Department of Highways, Commonwealth of Kentucky, was involved in an automobile accident, while acting within the course and scope of his employment, in Carroll County, Kentucky; and

WHEREAS, Sherman Combs was involved in much litigation as a result of this accident,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the amount of Three Hundred and Seventy-five Dollars is hereby appropriated out of the State Road Fund to reimburse Sherman Combs for these actual expenses, which he was forced to pay as a result of expenses incurred in the cases of Commonwealth of Kentucky vs. Sherman Combs in the Carroll County Court and Casper Oaks' Administrator and Others vs. Sherman Combs in Carroll Circuit Court. Immediately upon the effective date of this Resolution the Commissioner of Finance shall issue his warrant, in the amount of Three Hundred and Seventy-five Dollars, upon the State Treasurer, who shall issue a check in the like amount to Sherman Combs.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	Robert K. Montgomery
Wallace Bartley	Thomas P. Fitzpatrick	Eddie J. Morris
Charles E. Baumgardner, Sr.	Cabell D. Francis	Thomas J. Murphy
Leo A. Bleemel	W. L. Hadden	Goebel W. Newsom, Jr.
Edward T. Breathitt, Jr.	C. Ruby Harralson	Foster Ockerman
John Young Brown	Harold G. Helm	Louis T. Peniston
Charles W. Buchanan	Henry R. Heyburn	Edward D. Pollitte
Harry M. Caudill	Lon C. Hill	Roger E. Qualls
Cassius M. Clay	Chester J. Holsclaw	Paul T. Ratcliffe
William J. Conley	William M. Horn	Jack Raybourne, Jr.
R. Josh Cosby	Jennings H. Kearby	Robert Reid
Vernor O. Cottengim	Talmage Lacy	Lloyd E. Rogers
W. Marvin Davis	James W. Lambert	William A. Routh
Albert Dempsey	George H. Lovelace	Cecil C. Sanders
	Harry King Lowman	Mrs. Thelma L. Stovall
	William C. Mann	
	Carl D. Melton	

James Treadway	Mrs. Randolph Wilson	Charles W. Wirsch
Will Tom Wathen		Walker H. Wiseman

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

Mrs. Stovall moved that the House adjourn to meet again at 1:00 P. M. Monday, March 15, 1954.

Said motion was agreed to.

And the House did then adjourn.

MONDAY, MARCH 15, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter, Rector of the Church of the Ascension, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	J. C. Bradley	William J. Conley
Walter J. Bailey	Edward T. Breathitt, Jr.	R. Josh Cosby
John Rhea Banton	Edward O. Bridgers	Vernor O. Cottengim
Wallace Bartley	John Young Brown	Charles W. Craig
Charles E. Baumgardner, Sr.	Charles W. Buchanan	W. Marvin Davis
Owen Billington	Harry M. Caudill	John L. Day
Leo A. Bleemel	Cassius M. Clay	Albert Dempsey
J. Murray Blue	Paul Cobb	C. E. Dowell
		Harold Edmonds
		Addison L. Everett

Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young
Charles W. Burnley, Speaker

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Mr. Lowman moved that the reading of the Journal of the proceedings of Friday, March 12, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Brown introduced a resolution of the following title, viz:

H. Res. No. 96. A RESOLUTION directing the Legislative Research Commission to study presidential primary systems.

Said resolution is as follows, viz:

WHEREAS, many states have adopted the method of

selecting their candidates for the office of President of the United States by means of a presidential primary election; and

WHEREAS, there is a great need in the Commonwealth of Kentucky for institution of a similar system; and

WHEREAS, the Legislative Research Commission has the personnel and facilities to examine the systems now in use in other states and to study the experiences of other states in the operation of such systems.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission be and it is hereby directed to study presidential primary systems now in use in other states and to report its findings and a recommendation as to the type of presidential primary system which would be most feasible for adoption in Kentucky to the 1956 session of the General Assembly.

And moved its adoption.

Said motion agreed to.

Said resolution adopted by voice vote.

INTRODUCTION OF BILLS

A bill of the following title was introduced and ordered to be printed and referred, viz:

By Mr. Lowman.

H. B. No. 522. AN ACT for authorizing the voting of a tax in excess of the permissible levy rate of 50 cents for the maintenance of county hospitals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The fiscal court of any county that has constructed a county hospital may submit to the voters of said county the proposition of levying an annual tax for a period of fifteen years and not ex-

ceeding 5 cents upon each one hundred dollars of assessed valuation upon all property subject to county taxation and subject to the provisions of Section 158, State Constitution, for the purpose of annually maintaining, repairing and making necessary additions thereto, and purchasing the supplies and equipment of said hospital; said tax to be in excess of the permissible tax for counties of 50 cents under the provisions of Section 157, State Constitution. If said tax is approved by a two-thirds majority of those voting at the said election, the fiscal court shall thereafter annually, for a period of fifteen years, levy the tax approved by the voters.

COMMITTEE REPORTS

Mr. Burnley, Chairman of the Committee on Rules, to which same had been referred, reported favorably the following bills and resolutions, viz:

S. R. No. 49. A JOINT RESOLUTION authorizing Mrs. Emma McCoun and Mrs. Orene Swango Davis to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. R. No. 10. A JOINT RESOLUTION naming Edwin Carlile Litsey the Poet Laureate of Kentucky.

S. B. No. 203. AN ACT relating to public securities and authorizing the execution thereof by facsimile signatures and seals, providing at least one signature thereon shall be manually subscribed.

S. B. No. 243. An act relating to probation and parole.

S. B. No. 242. AN ACT relating to probation and parole.

S. B. No. 244. AN ACT relating to circuit court stenographic reporters.

H. B. No. 364. AN ACT relating to neglect of children under the age of eighteen years, and amending Section 405.030 of the Kentucky Revised Statutes.

H. B. No. 502. AN ACT relating to practical nurses.

H. B. No. 514. AN ACT relating to chattel mortgages.

S. B. No. 166. AN ACT EMPOWERING AND AUTHORIZING cities of the second class to pass legislation providing for pensions for police court judges.

S. B. No. 230. AN ACT relating to prior service credit for Teachers Retirement purposes for veterans of World War I.

H. B. No. 459. AN ACT relating to city garbage disposal service and the collection of charges therefor from users thereof.

Whereupon, said bills and resolutions were read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

S. R. No. 42. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission regarding the laws of Kentucky with respect to control of diseased livestock, poultry and related matters.

H. R. No. 52. A JOINT RESOLUTION directing the Legislative Research Commission to study the feasibility of a state financed program of financial assistance to deserving college students.

H. R. No. 90. A RESOLUTION pertaining to the athletic program of the University of Kentucky.

H. R. No. 84. A JOINT RESOLUTION memorializing the U. S. Congress to stress the importance of the Tennessee Valley Authority, to make appropriations to continue and expand this program, and directing transmittal of copies of this resolution to U. S. Senators and Congressmen from Kentucky.

S. B. No. 228. AN ACT relating to motor transportation and motor vehicles.

S. R. No. 28. A JOINT RESOLUTION changing the name of Levisa Fork of the Big Sandy River to Big Sandy River.

H. R. No. 95. A JOINT RESOLUTION authorizing the representative of Ulysses G. Sparks, deceased, Beulah Sparks,

and the guardian of Carol Sparks, Barbara Sparks and Junior Sparks to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. R. No. 18. A JOINT RESOLUTION providing for a research study of the adequacy of the legislative process in the Commonwealth of Kentucky.

S. B. No. 204. AN ACT relating to purchase by fiscal courts, of equipment for sheriffs and deputies.

S. B. No. 3. AN ACT relating to annexation of territory by sanitation districts in counties not containing a city of the first class.

S. B. No. 16. AN ACT relating to taxation and sewer service charges of sanitation districts and amending sections 220.360 and 220.510 of the Kentucky Revised Statutes.

S. B. No. 106. AN ACT relating to the office of mayor, commissioner and police judge in cities of the second, third and fourth class operating under the commission form of government; amending Subsection (1) of Section 89.050 of the Kentucky Revised Statutes.

H. B. No. 418. AN ACT relating to actions for libel, or slander and amending Section 411.050 of the Kentucky Revised Statutes.

H. B. No. 408. AN ACT relating to the return to this state of fugitives from justice, and amending Section 440.090 of the Kentucky Revised Statutes.

H. B. No. 462. AN ACT relating to supersedeas bonds upon appeal in criminal cases.

H. B. No. 275. AN ACT relating to the standardization of time for the Commonwealth of Kentucky, fixing a penalty for its violation and repealing all laws in conflict therewith.

S. B. No. 188. AN ACT relating to dairying; and providing for the creation of a Division of Dairying within the Department of Agriculture, Labor and Statistics.

S. B. No. 78. AN ACT relating to contracts and separate estate of married women, amending KRS 404.010.

S. B. No. 62. AN ACT relating to condemnation, purchase, financing and operation of waterworks by water districts or cities of second, third, fourth, fifth or sixth classes.

S. B. No. 107. AN ACT relating to drainage and reclamation, enabling any county whose board of drainage commissioners so resolves to come under the provisions of subsection 3(b) of Section 267.390 of the Kentucky Revised Statutes, etc.

H. Res. No. 48. A RESOLUTION authorizing the Committee on Ways and Means of the House of Representatives of the 1954 session of the General Assembly to study means of improving the law relating to adoption, and authorizing the holding of a public hearing on such subject.

H. B. No. 519. AN ACT relating to aerial spraying.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills and resolutions be read for the second time by their titles only.

Said motion agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 507. AN ACT relating to motor transportation and motor vehicles.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 281.815 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) On or before January 1 of each year, and as a condition precedent to the use of the highways, every motor carrier primarily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways an annual tax upon each motor vehicle so

used, as follows: Five dollars for each regular seat for the first thirty-one seats, and eight dollars for all seats in excess of thirty-one; except that taxicabs, city buses, industrial buses, suburban buses, and U-Drive-Its, shall pay the fees set forth in subsection (3) of this section.

(2) Every motor carrier primarily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways, a mileage tax as follows: one-thirty-sixth of a cent for each regular seat in the motor vehicle multiplied by the total number of miles traveled over which passengers are transported for hire, except that taxicabs, city buses, industrial buses, suburban buses, and U-Drive-Its are not required to pay the mileage tax imposed by this section.

(3) Taxicabs, city, suburban, and industrial buses, and U-Drive-Its, shall pay a license fee based upon seating capacity as follows:

Each taxicab	$3.00 per seat
Each city bus	1.50 per seat
Each industrial bus	2.50 per seat
Each suburban bus	1.50 per seat
Each U-Drive-It Passenger car	2.50 per seat

(4) Subsequent to July 1, 1954, every carrier or motor carrier of passengers shall be required to pay the taxes imposed by subsection (1) (2), and (3) hereof. Every carrier or motor carrier of passengers who has, before July 1, 1954, paid, for the year 1954 or a portion thereof, the seat tax imposed by KRS 281.815 shall receive credit for said taxes in an amount equal to the tax which would have been paid for a period of six months. Such credit shall be first applied to the payment of the seat tax imposed by KRS 281.815 (1), as amended by this act, and the balance of such credit shall be applied to the payment of the mileage tax imposed by KRS 281.815 (2), as amended by this act. In the event any credit remains due any carrier as of December 31, 1954, such remaining credits shall be applied to the payment of the seat tax for the year 1955 imposed by KRS 281.815 (1), as amended by this act, and the balance of such credit, if any, shall be applied to the payment of the mileage tax

becoming due during 1955 imposed by KRS 281.815 (2), as amended by this act. In no event shall a cash refund be made.

(5) All cities of the Commonwealth are hereby authorized to impose an annual license tax on all taxicabs certificated by the Department of Motor Transportation for operation in said city, which license tax shall not exceed thirty dollars per taxicab.

(6) All cities of the Commonwealth are hereby authorized to impose a mileage tax upon city buses when operating in said city under the authority of a city bus certificate, provided that said mileage tax shall not be in excess of one-fourth of a cent per mile operated in said city, and, in computing said mileage tax, miles operated upon roads or streets maintained by the Commonwealth or by any other govenmental agency, except the city, shall not be counted.

Mr. Ockerman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Rhea Banton	Charles E. Baumgardner, Sr.
	Wallace Bartley	

Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
William J. Conley
Vernor O. Cottengim
Charles W. Craig
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
William A. Routh
W. R. Smith
E. H. Stumbo
C. Waitman Taylor
James Treadway
Will Tom Wathen
W. W. Webster
Morris Weintraub
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 501. AN ACT relating to utilities in cities of the third class, and amending Section 96.182 and 96.184 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 96.182 of the Kentucky Revised Statutes is amended to read as follows:

Subject to the provisions of outstanding bonds and contracts, the board shall apply all funds derived from operations: (1) To the payment of operating expenses, (2) to the payment of bond interest and retirement, (3) to sinking fund requirements, (4) to the maintenance of a fund to meet depreciation and the improvements and extension of the plant in an amount equal to six per cent of the undepreciated book value of its property, (5) to the maintenance of a cash working fund equal to one month's revenue, (6) to the payment of other obligations incurred in the operation and maintenance of the plant and the furnishing of service, and (7) such taxes, if any, as the board may elect to pay under the provisions of KRS 96.179, and any surplus revenues at the end of any twelve months ending June 30 shall be transferred to the sinking fund, and used by the board only for the redemption or purchase of outstanding bonds, in which case such bonds shall be canceled, or for the creation and maintenance of a cash working fund, or the creation and maintenance of a fund for improvement and extension of the system, or for the reduction of rates, or the board, after the original cost of the property shall have been fully paid and satisfied may, in its sole discretion, use, apply and pledge all or a part of such surplus revenues for the acquisition, construction, maintenance, improvement, addition to and operation of any "public project" as the same is defined in subsection (1) of KRS 58.010,/ or for the purpose of purchasing, paying, retiring, guaranteeing the payment of or underwriting revenue bonds issued by the city or any agency thereof to finance the acquisition, construction, maintenance, improvement, addition to and operation of such "public project",/ which "public project" shall be located within the territory served by the board; the board is hereby vested with all of the powers, duties and responsibilities delegated and granted to a "governmental agency" under KRS 58.020 to 58.140, both inclusive; provided, however, that the acquisition or construction of any "public project" as above defined, shall be first

approved by the common council before such "public project" is undertaken.

Section 2. Subsection (1) of Section 96.184 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board at any time may issue and sell revenue bonds to finance improvements or extensions of the plant,/ or the board, after the original cost of the property shall have been fully paid and satisfied, may, in its sole discretion, issue, sell, and pledge its revenues to secure the payment of revenue bonds the proceeds of which are to be used to finance the acquisition, construction, maintenance, improvement, addition to and operation of "public projects" as defined in KRS 96.182, or for the purpose of purchasing, paying, retiring, guaranteeing the payment of or underwriting revenue bonds issued by the city or any agency thereof to finance the acquisition, construction, maintenance, improvement, addition to and operation of such "public project",/ and sell refunding bonds for the purpose of providing for the payment of any outstanding bonds.

Mr. Horn moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Robert K. Montgomery
John Rhea Banton	W. L. Hadden	Walter R. Moorman
Wallace Bartley	C. Ruby Harralson	Fred Morgan
Charles E. Baumgardner, Sr.	George F. Harris	Eddie J. Morris
Leo A. Bleemel	Harold G. Helm	Thomas J. Murphy
J. C. Bradley	David Heskamp	Foster Ockerman
Edward T. Breathitt, Jr.	Henry R. Heyburn	Louis T. Peniston
Edward O. Bridgers	Lon C. Hill	Edward D. Pollitte
Charles W. Buchanan	Estill R. Hilton	Roger E. Qualls
Cassius M. Clay	Chester J. Holsclaw	Paul T. Ratcliffe
William J. Conley	Varna Holt	Jack Raybourne, Jr.
Vernor O. Cottengim	William M. Horn	Robert Reid
Charles W. Craig	Talmage Lacy	C. Waitman Taylor
Albert Dempsey	George H. Lovelace	Will Tom Wathen
C. E. Dowell	Harry King Lowman	W. W. Webster
Harold Edmonds	Shelby McCallum	Morris Weintraub
Addison L. Everett	Ralph E. McClanahan	Mrs. Randolph Wilson
Herbert Fern	Caleb McFadden	T. D. Winstead
Thomas P. Fitzpatrick	Damon Majors	Charles W. Wirsch
	William C. Mann	Walker H. Wiseman
	William J. Marcum	

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Those who voted in the negative were—

Carl D. Melton	William A. Routh	W. R. Smith
Goebel W. Newsom, Jr.		

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Resolved that the title thereof be as aforesaid.

Mr. Horn moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 466. AN ACT relating to authorization of the Commissioner of Welfare regarding method of return of parole and probation violators and escaped prisoners.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Commissioner of Welfare may deputize the head of an agency of another state which is charged by that state with enforcement of penal laws to act as an agent of this state in effecting the return to this state of any person who has violated the conditions of his probation or parole or who has escaped from a penal institution of this state. In all matters relating to the return of such person to this state, such agent shall have the powers afforded a police officer of this state.

Section 2. Any deputization pursuant to this Act shall be in writing. Any person authorized to act as an agent of this state under the terms of this Act shall carry on his person such written evidence of his authorization, and shall display the same upon demand.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	C. Ruby Harralson	Thomas J. Murphy
John Rhea Banton	George F. Harris	Goebel W. Newsom, Jr.
Wallace Bartley	Harold G. Helm	Foster Ockerman
Charles E. Baumgardner, Sr.	David Heskamp	Louis T. Peniston
Leo A. Bleemel	Henry R. Heyburn	Edward D. Pollitte
J. C. Bradley	Lon C. Hill	Roger E. Qualls
Edward O. Bridgers	Chester J. Holsclaw	Paul T. Ratcliffe
John Young Brown	Varna Holt	Jack Raybourne, Jr.
Charles W. Buchanan	William M. Horn	Robert Reid
Cassius M. Clay	William L. Jones	William A. Routh
William J. Conley	Talmage Lacy	W. R. Smith
Vernor O. Cottengim	Harry King Lowman	C. Waitman Taylor
Charles W. Craig	Shelby McCallum	James Treadway
Albert Dempsey	Ralph E. McClanahan	Will Tom Wathen
C. E. Dowell	Caleb McFadden	W. W. Webster
Harold Edmonds	Damon Majors	William B. Wells
Addison L. Everett	William C. Mann	Warren D. Williams
Herbert Fern	William J. Marcum	Mrs. Randolph Wilson
Thomas P. Fitzpatrick	George R. Martin	T. D. Winstead
Cabell D. Francis	Carl D. Melton	Charles W. Wirsch
W. L. Hadden	Robert K. Montgomery	Walker H. Wiseman
	Walter R. Moorman	
	Eddie J. Morris	—65

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 465. AN ACT relating to the administrative officer of the Court of Appeals, amending KRS 21.220, and repealing KRS 21.155.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 21.220 is amended to read as follows:

The judges of the Court of Appeals may appoint an administrative director who shall hold office during the pleasure of the court and perform the duties required of him by the court. His salary shall be fixed by an order of the Court of Appeals and paid monthly out of the Treasury. While holding his position he shall not practice law in any court of this Commonwealth. The administrative director shall perform the services of administrative officer of the court, and as such he shall, under direction of the Court of Appeals, ascertain the necessity for assignment of special circuit judges, make reports concerning the performance of duties by special circuit judges, certify the compensation and expenses payable to special circuit judges, and generally perform such services as the Court of Appeals may require in the supervision of the state judicial system. The Court of Appeals may make appropriate orders to facilitate the performance of his duties.

Section 2. KRS 21.155 is repealed.

Mr. Cottengim moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	George F. Harris	Eddie J. Morris
John Rhea Banton	Harold G. Helm	Thomas J. Murphy
Wallace Bartley	David Heskamp	Goebel W. Newsom, Jr.
Charles E. Baumgardner, Sr.	Henry R. Heyburn	Foster Ockerman
Leo A. Bleemel	Lon C. Hill	Louis T. Peniston
J. C. Bradley	Chester J. Holsclaw	Edward D. Pollitte
Edward O. Bridgers	Varna Holt	Roger E. Qualls
Charles W. Buchanan	William M. Horn	Paul T. Ratcliffe
William J. Conley	William L. Jones	Jack Raybourne, Jr.
Vernor O. Cottengim	Talmage Lacy	Robert Reid
Charles W. Craig	George H. Lovelace	William A. Routh
Albert Dempsey	Harry King Lowman	C. Waitman Taylor
C. E. Dowell	Shelby McCallum	James Treadway
Harold Edmonds	Ralph E. McClanahan	Will Tom Wathen
Addison L. Everett	Caleb McFadden	W. W. Webster
Herbert Fern	Damon Majors	William B. Wells
Thomas P. Fitzpatrick	William C. Mann	Warren D. Williams
Cabell D. Francis	William J. Marcum	Mrs. Randolph Wilson
W. L. Hadden	Carl D. Melton	T. D. Winstead
C. Ruby Harralson	Robert K. Montgomery	Charles W. Wirsch
	Walter R. Moorman	Walker H. Wiseman
	Fred Morgan	—63

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 464. AN ACT providing for payment of fees out of the State Road Fund and by the county fiscal courts to the county court clerk for taking acknowledgments, certifying and recording right-of-way deeds for state and county.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) County Court Clerks shall be paid out of the State Road Fund the fees provided for in KRS 64.010, for taking acknowledgments, certifying, and recording deeds conveying right-of-way to be used in the State Road System.

(2) County Court Clerks shall be paid by the Fiscal Court the fees provided for in KRS 64.010, for taking acknowledgments, certifying and recording deeds conveying right-of-way to be used in the County Road System.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	George F. Harris	Thomas J. Murphy
John Rhea Banton	Harold G. Helm	Goebel W. Newsom, Jr.
Wallace Bartley	David Heskamp	Foster Ockerman
Charles E. Baumgardner, Sr.	Henry R. Heyburn	Louis T. Peniston
Leo A. Bleemel	Lon C. Hill	Edward D. Pollitte
J. C. Bradley	Chester J. Holsclaw	Paul T. Ratcliffe
Edward T. Breathitt, Jr.	Varna Holt	Jack Raybourne, Jr.
Edward O. Bridgers	William M. Horn	Robert Reid
John Young Brown	William L. Jones	William A. Routh
Charles W. Buchanan	Talmage Lacy	W. R. Smith
William J. Conley	George H. Lovelace	E. H. Stumbo
Vernor O. Cottengim	Harry King Lowman	C. Waitman Taylor
Charles W. Craig	Shelby McCallum	James Treadway
Albert Dempsey	Ralph E. McClanahan	Will Tom Wathen
C. E. Dowell	Caleb McFadden	W. W. Webster
Harold Edmonds	Damon Majors	William B. Wells
Addison L. Everett	William C. Mann	Warren D. Williams
Herbert Fern	William J. Marcum	Mrs. Randolph Wilson
Cabell D. Francis	Carl D. Melton	T. D. Winstead
C. Ruby Harralson	Robert K. Montgomery	Charles W. Wirsch
	Fred Morgan	Walker H. Wiseman
	Eddie J. Morris	—63

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The Speaker having vacated the chair, Mr. Morgan assumed the chair as Speaker pro tem.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 496. AN ACT appropriating money out of

the General Expenditure Fund in the State Treasury for the purpose of paying certain claims which have been duly audited and approved according to law and which have not been paid because of the lapsing or insufficiency of former appropriations against which such claims were chargeable.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund in the State Treasury for the purpose of compensating the persons and companies herein named for claims which have been duly audited and approved according to law but which have not been paid because of the lapsing of former appropriations against which said claims were chargeable and the cities herein named for claims arising under KRS 94.297 but which were not paid because of the insufficiency of former appropriations against which said claims were chargeable, the sums hereinafter specified.

1.	National Agricultural Supply Company, Fort Atkinson, Wisconsin	$ 58.70
2.	Plumbers Supply Company, Louisville, Kentucky	422.79
3.	Hall Seed Company, Louisville, Kentucky	69.50
4.	Central School Supply Company, Louisville, Kentucky	298.00
5.	Dr. Robert M. Sirkle, Prestonsburg, Kentucky	94.00
6.	Walter Deaton, Jackson, Kentucky	232.00
7.	City of Corbin	4,781.16
8.	City of Berea	809.16
9.	City of Morehead	6,676.49
		$13,441.80

Secion 2. The persons, companies and cities above named, having in good faith furnished the services, supplies and materials indicated in Section 1 and the Commonwealth having received the benefits of same, an emergency is hereby declared

to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Albert Dempsey	Varna Holt
John Rhea Banton	C. E. Dowell	William M. Horn
Wallace Bartley	Harold Edmonds	William L. Jones
Charles E. Baumgardner, Sr.	Addison L. Everett	Talmage Lacy
J. C. Bradley	Herbert Fern	George H. Lovelace
Edward T. Breathitt, Jr.	Thomas P. Fitzpatrick	Harry King Lowman
Edward O. Bridgers	Cabell D. Francis	Shelby McCallum
John Young Brown	W. L. Hadden	Ralph E. McClanahan
Charles W. Buchanan	C. Ruby Harralson	Caleb McFadden
William J. Conley	George F. Harris	Damon Majors
Vernor O. Cottengim	Harold G. Helm	William C. Mann
Charles W. Craig	David Heskamp	William J. Marcum
	Henry R. Heyburn	Carl D. Melton
	Lon C. Hill	Robert K. Montgomery
	Chester J. Holsclaw	

Thomas J. Murphy	Paul T. Ratcliffe	Will Tom Wathen
Goebel W. Newsom, Jr.	Jack Raybourne, Jr.	W. W. Webster
	Robert Reid	Warren D. Williams
Foster Ockerman	William A. Routh	Mrs. Randolph Wilson
Louis T. Peniston	W. R. Smith	
Edward D. Pollitte	C. Waitman Taylor	T. D. Winstead
Roger E. Qualls	James Treadway	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 349. AN ACT relating to collection of taxes upon the property in any fire protection district, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 75.040 of the Kentucky Revised Statutes is hereby amended to read as follows:

Upon the creation of a fire protection district as provided in KRS 75.010 to 75.030 the trustees of such district are hereby authorized to establish and operate a fire department in such district and to levy a tax upon the property in said district, subject to county tax, and not exceeding ten cents per one hundred dollars of valuation as assessed for county taxes, for the purpose of defraying the expenses of such establishment, maintenance and operation of said fire department or to make contracts for fire protection for such district as provided in KRS 75.050. After the tax has been levied as herein provided, such trustees may certify the same to the sheriff of the county in which the fire protection district is located who may collect

such tax when and as the county taxes are collected by him, or such trustees may employ their own tax collector to collect such taxes. Any delinquent fire protection district taxes shall bear the same interest and penalties as do delinquent county taxes. Whoever collects such taxes shall be entitled to a commission of one percent of the amount collected by him.

Mr. Conley moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Young Brown	Herbert Fern
John Rhea Banton	Charles W. Buchanan	Thomas P. Fitzpatrick
Wallace Bartley	Cassius M. Clay	Cabell D. Francis
Charles E. Baumgardner, Sr.	William J. Conley	W. L. Hadden
Leo A. Bleemel	Vernor O. Cottengim	C. Ruby Harralson
J. C. Bradley	Charles W. Craig	George F. Harris
Edward T. Breathitt, Jr.	Albert Dempsey	Harold G. Helm
Edward O. Bridgers	C. E. Dowell	David Heskamp
	Harold Edmonds	Henry R. Heyburn
	Addison L. Everett	Chester J. Holsclaw

Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
George H. Lovelace
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Fred Morgan
Thomas J. Murphy
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman

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Resolved that the title thereof be as aforesaid.

Mr. Harris moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Burnley spoke to a point of personal privilege concerning an article which appeared in the Courier-Journal.

Mr. Brown moved that the entire membership of the House go on record as being aggrieved, and praising the Speaker for his fairness to all members during the 1954 session.

Said motion agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 485. AN ACT relating to the advancement of funds from the State Treasury to pay jurors.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 28.180 of the Kentucky Revised Statutes is amended to read as follows:

"Each circuit clerk shall pay to each juror the compensation allowed him by law, under appropriations provided by the General Assembly and in accordance with procedures governing expenditures from appropriations. He shall take a receipt for each payment made by him showing the date on which payment is made. For the purpose of providing for such payments, the State Treasurer, on direction of the Department of Finance. shall advance to each circuit clerk an imprest fund sufficient for the payments for a term of court or, if the court is one of continuous session, sufficient for the period of service of each grand or petit jury panel, or both, but not to exceed a period of sixty (60) days."

Section 28.190 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Each circuit clerk shall be liable on his official bond to account for the full amount advanced to him under KRS 28.180. Each circuit clerk shall file a statement with the Department of Finance, in such form as the Department prescribes, showing the amounts disbursed since the last preceding report, accompanied by a receipt for each amount disbursed signed by the person to whom it was paid, and showing the date of the payment and the days of service for which payment was made, and such other information as the Department prescribes. This report shall be forwarded to the Department of Finance within twenty days after the term of court has ended, or in the case of continuous session, within twenty days after the end of the period for which funds are advanced.

"(2) Any circuit clerk who fails to comply with the provisions of subsection (1) shall be required to pay a penalty of five percent (5%) of all funds not so paid or accounted for."

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. C. Bradley
Edward O. Bridgers
John Young Brown
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William L. Jones
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Caleb McFadden
William C. Mann
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was

passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 486. AN ACT relating to the payment of travel expenses for state officers and employees.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 45.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided by law, each state officer or employee who is authorized by law to receive, from corporations or from the State Treasury or any fund appropriated out of the State Treasury, his traveling or other expenses incident to the discharge of his official duties, shall submit to the Department of Finance an itemized statement of such expenses, accompanied by a receipt, on a blank furnished by the Department of Finance, for each item of expense in excess of two dollars, before the Department shall audit or pay such expenses.

(2) The Department of Finance may issue rules and regulations to permit state agencies and institutions to contract with airlines, railroads, hotels or other companies for services to a group of their employees while on official travel status. Such expenses are to be submitted to the Department of Finance on forms prescribed by the Department of Finance before the department shall audit or pay such expenses.

(3) The Department of Finance may issue rules and regulations to permit state officers or employees to assign their claim for reimbursement of travel expenses to airline, railroad, hotel, or other companies in payment of services rendered as provided for in subsection (2) and as shown on the itemized statement and receipts as provided for in subsection (1), which

statement and receipts shall indicate that such company has extended credit to said officer or employee in the name of the state and incident to the discharge of his official duties.

(4) Each state officer or employee who by reason of the duties assigned to his office, is required to be at the state capital for the majority of the time, or who has an office located at the state capital, shall not be permitted to charge for expenses except from the state capital to the place where the business he is transacting is to be transacted, and from that place back to the state capital, and each officer or employee who is assigned to duty at some place other than the state capital shall only be permitted to charge to the state such expenses as are incurred in going from that place to the place where the business is transacted, and returning. Expenses in going from the state capital or the place where the officer or employee is assigned to duty to the officer's or employee's real place of residence, or in return therefrom, shall not be allowed unless it is shown that it was necessary for him to make the trip in the discharge of business for the state.

Section 2. (1) The Department of Finance may advance from the General Fund such sums as are necessary to establish an Air Travel Credit Plan or other credit plans in order to expedite the proper accounting and payment of travel expenses. No advance shall be in excess of five hundred dollars.

(2) For the purposes of subsection (1) of Section 2 of this Act, there is hereby appropriated to the Commissioner of Finance out of the General Expenditure Fund of the State Treasury, the sum of five hundred dollars for the year 1953-54.

Section 3. Whereas the immediate adoption of this travel program is essential to the smooth administration of state government, an emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Herbert Fern	Foster Ockerman
Walter J. Bailey	C. Ruby Harralson	Louis T. Peniston
John Rhea Banton	Harold G. Helm	Edward D. Pollitte
Wallace Bartley	David Heskamp	Paul T. Ratcliffe
Charles E. Baumgardner, Sr.	Estill R. Hilton	Jack Raybourne, Jr.
Leo A. Bleemel	Chester J. Holsclaw	Hobart Rayburn
Edward T. Breathitt, Jr.	Varna Holt	Robert Reid
Edward O. Bridgers	William L. Jones	William A. Routh
John Young Brown	Talmage Lacy	Mrs. Thelma L. Stovall
Charles W. Buchanan	Harry King Lowman	E. H. Stumbo
William J. Conley	Shelby McCallum	C. Waitman Taylor
R. Josh Cosby	Damon Majors	Eulick Walsh
Vernor O. Cottengim	William C. Mann	Will Tom Wathen
Albert Dempsey	Robert K. Montgomery	W. W. Webster
C. E. Dowell	Walter R. Moorman	William B. Wells
Harold Edmonds	Fred Morgan	Mrs. Randolph Wilson
Addison L. Everett	Thomas J. Murphy	T. D. Winstead
	Goebel W. Newsom, Jr.	Charles W. Wirsch

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Those who voted in the negative were—

James W. Lambert	William J. Marcum	James Treadway
Caleb McFadden	George R. Martin	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 487. AN ACT to repeal, amend and re-enact Section 176.020 of the Kentucky Revised Statutes, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 176.020 of the Kentucky Revised Statutes, 1953 Edition, be repealed, amended and re-enacted so that when re-enacted said Section shall read as follows:

(1) The Department of Highways shall be headed by a Commissioner of Highways who shall have sole charge of the administration of the department. With prior approval of the Governor in writing, the Commissioner of Highways shall appoint as State Highway Engineer, a civil engineer who has had at least six years executive engineering experience in the design, supervision and construction of highways. He shall be the technical advisor to the Commissioner of Highways, and under the direction of the commissioner, he shall supervise all construction and maintenance work of the department and perform such other duties as are assigned to him by the commissioner.

(2) The Department shall be divided into such divisions as the commissioner may deem necessary to perform the duties and functions of the department. Each division shall perform the duties assigned it by the Commissioner of Highways and shall be headed by a director who shall act under the direction and supervision of the Commissioner of Highways.

(3) All officers, assistants and employes of the department

shall be paid their necessary traveling expenses while engaged in the discharge of their official and departmental duties.

Mr. Brown moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	R. Josh Cosby	Henry R. Heyburn
Walter J. Bailey	Vernor O. Cottengim	Lon C. Hill
John Rhea Banton	Charles W. Craig	Estill R. Hilton
Wallace Bartley	Albert Dempsey	Chester J. Holsclaw
Charles E. Baumgardner, Sr.	C. E. Dowell	Varna Holt
Leo A. Bleemel	Harold Edmonds	William L. Jones
Edward T. Breathitt, Jr.	Addison L. Everett	Talmage Lacy
Edward O. Bridgers	Herbert Fern	James W. Lambert
John Young Brown	Thomas P. Fitzpatrick	George H. Lovelace
Charles W. Buchanan	Cabell D. Francis	Harry King Lowman
Cassius M. Clay	W. L. Hadden	Shelby McCallum
William J. Conley	C. Ruby Harralson	Ralph E. McClanahan
	George F. Harris	Caleb McFadden
	Harold G. Helm	Damon Majors
	David Heskamp	William J. Marcum

Carl D. Melton	Edward D. Pollitte	Eulick Walsh
Robert K. Montgomery	Roger E. Qualls	Will Tom Wathen
Walter R. Moorman	Paul T. Ratcliffe	W. W. Webster
Fred Morgan	Jack Raybourne, Jr.	Warren D. Williams
Eddie J. Morris	Hobart Rayburn	Mrs. Randolph Wilson
Thomas J. Murphy	Robert Reid	T. D. Winstead
Goebel W. Newsom, Jr.	William A. Routh	Charles W. Wirsch
Louis T. Peniston	W. R. Smith	Walker H. Wiseman
	C. Waitman Taylor	
	James Treadway	—68

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 491. AN ACT relating to financial administration in State Government.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 41.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Unless otherwise expressly provided by law, no receipts from any source of state money or money for which the state is responsible shall be held, used or deposited in any personal or special bank account, temporarily or otherwise, by any agent or employee of any budget unit, to meet expenditures or for any other purpose. All receipts of any character of any budget unit, all revenue collected for the state, and all public money and dues to the state shall be paid promptly into the State Treasury in the form in which received through and upon the written permit of the Department of Finance, except that in the case of

state departments or agencies located outside Frankfort, and all state institutions, the Department of Finance may permit temporary deposits to be made to the accounts maintained by the agency, department, or institution in a bank which has been designated as a depository for state funds for a period not to exceed thirty days, and may require that the money be forwarded to the State Treasury at the time and in the manner and form prescribed by the Department. Nothing in this section shall be construed as authorizing any representative of any agency department or institution to enforce or cash, even for the purpose of a deposit, any check or other instrument of value payable to the Commonwealth or any agency thereof.

(2) The Department of Finance may authorize an agency to deposit its receipts directly with the State Treasury provided that the Department shall prescribe forms and reports to be filed with the Department when that type of deposit is made.

(3) The State Treasurer, with the approval of the Department of Finance, may authorize an agency to deposit its receipts directly with a depository designated by the Treasury to the credit of the State Treasury provided that the Treasurer shall prescribe the manner in which the deposit is to be made, and the forms and reports to be filed with the Treasury Department. The Department of Finance shall prescribe the forms and reports to be filed with it when this type of deposit is made.

Section 2. Section 45.160 of the Kentucky Revised Statutes is amended to read as follows:

Except as deviations therefrom are made necessary by changes in conditions of operations, to meet unforeseen contingencies, to correct errors, or to avoid cash deficits, the heads of the budget units, the Department of Finance and the Governor, in allotting appropriations for expenditure, shall be governed by the work plans formulated by the heads of the budget units as shown in the detailed budget estimates as enacted by the General Assembly, and the heads of the budget units shall hold to the work plans and detailed expenditure estimates as authorized and approved on advices of allotments. The Commissioner of Finance shall make quarterly allotments of appropriations, except in the case of appropriations for the purpose of capital

outlay for buildings, roads and bridges, and for printing, as provided in KRS 45.200. In any other cases where periodic allotments as provided for herein are impracticable, the department may prescribe a different period suited to the circumstances, not exceeding one year nor extending beyond the end of the biennium. The department shall have authority at any time to modify or amend any allotment previously made by it, upon application of, or upon notice to, the department or agency concerned, provided that no such modification or amendment shall reduce an allotment below the amount required to meet valid obligations or commitments previously incurred against the allotted funds. In making the allotments the expenditures to be authorized shall be classified according to purpose or type, and the funds allotted for each purpose or type of expenditure shall be used for no other purpose, except that the head of any budget unit, with the approval of the Commissioner of Finance, may transfer allotted funds from one purpose or type of expenditure to another, within the budget unit. In no case shall obligations be incurred or expenditures made in excess of the total amounts allotted. The decision of the Commissioner of Finance as to the amount of any allotment for any fiscal quarter or other period or as to the purposes for which money allotted may be expended, shall be final and conclusive.

Section 3. Subsection (2) of Section 45.231 of the Kentucky Revised Statutes is amended to read as follows:

Any claim incurred against any revolving, trust or agency fund account of any department or agency and authorized to be paid under subsection (1) of this section shall be charged against the current balance to the credit in such revolving, trust or agency fund account, and not the General Expenditure Fund.

Section 4. Section 45.320 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Finance shall:

(1) Within ten days after the close of each month, furnish each budget unit with copies of the department's active accounts with the appropriations and allotments in favor of that budget unit, showing all the transactions recorded in the pre-

vious month and the balances as of the beginning and end of that month.

(2) Within ten days after the close of each month, prepare and transmit to the Governor a report embodying a summary statement of the actual financial condition of each fund as of the close of the previous month, a summary statement showing the receipts and payments of each fund for the previous month and for the current fiscal year to the close of the previous month, a summary budget statement for each fund showing the available cash balance as of the end of the previous month, the amount of cash estimated to be realized from each source during the remaining months of the fiscal year, the total means of financing, the amount of the un-allotted balances of appropriations, the estimated amount of unliquidated commitments, and the estimated cash surplus or deficit.

(3) On or before January 1 of each year, file with the Governor a complete report of the financial transactions of the preceding fiscal year and of the financial condition of the state as of the end of that fiscal year, with such comments and supplementary data as it deems necessary to make the report complete and easy to understand.

Section 5. Section 45.340 of the Kentucky Revised Statutes is amended to read as follows:

Except where otherwise provided by law, checks for salaries due to public officers and employees shall be issued weekly, semi-monthly, monthly or for such other period of time not exceeding thirty days which may be designated by the Department of Finance with the approval of the Governor. Checks shall be tendered to an officer or employee only after he has completed the work for which he is being paid and not later than fifteen days after the designated pay period.

Section 6. This Act shall take effect on July 1, 1954.

Mr. McCallum moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
W. Marvin Davis
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
C. Ruby Harralson
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
Varna Holt
William M. Horn
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh

Will Tom Wathen	William B. Wells	T. D. Winstead
W. W. Webster	Warren D. Williams	Charles W. Wirsch
Morris Weintraub	Mrs. Randolph Wilson	Walker H. Wiseman

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Those who voted in the negative were—

Albert Dempsey	Caleb McFadden	James Treadway
James W. Lambert	George R. Martin	

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 400. AN ACT relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (2) of Section 342.122 of the Kentucky Revised Statutes is amended to read as follows:

(2) All taxes and assessments imposed by subsection (1) of this section shall be paid into the State Treasury and shall be credited to the Subsequent Injury Fund for the board, which fund shall be used only for the payment of awards of compensation made by the Board and chargeable against said fund, expenses of legal representation thereof, fees and expenses of the Medical Committee in connection therewith, and shall be withdrawn for that purpose under the supervision of the Commissioner of Industrial Relations.

Section 2. Subsection (2) of Section 342.230 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Commissioner of Industrial Relations shall also appoint an executive secretary of the board who shall have immediate supervision of the employes of the board and perform such duties as are assigned him. The executive secretary shall be an attorney who has been admitted to practice law in Kentucky and shall have practiced law for at least three years. He shall keep and be the custodian of the records of the board, and shall devote his full time to the duties of his office. He shall receive a salary to be fixed by the Commissioner of Industrial Relations.

Section 3. Section 342.235 of the Kentucky Revised Statutes is amended to read as follows:

The board and its employes or authorized representatives shall, for traveling necessitated by the discharge of official duties, be reimbursed for transportation actually paid for, not exceeding the regular fare over the most direct route, and meals and lodging actually paid for.

Section 4. Section 342.295 of the Kentucky Revised Statutes is amended to read as follows:

The circuit court or the Court of Appeals may make such rule or order as it may deem necessary for the safekeeping, transporting and return of such original records of the Workmen's Compensation Board to the said board when the judgment in the case becomes final, provided that a copy of the final judgment shall be returned with each record. When any appeal has become final the Clerk of the Court of Appeals shall return such original record to Workmen's Compensation Board, who shall safely keep the same. At all times thereafter such record shall remain a part of the record of the case in the Court of Appeals, though kept in the possession of the Workmen's Compensation Board.

Section 5. Subsection (1) of Section 342.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) All notices of rejection of the provisions of the Act by employes shall, when executed, be preserved by the employer during the continuation of the employment of those employes whose names are subscribed thereto.

Section 6. Section 342.405 of the Kentucky Revised Statutes is amended to read as follows:

At any time after electing to operate under this chapter, an employer may withdraw such election by filing written notice with the board stating the date when such withdrawal is effective, and the industry, business or operation covered thereby, and by personal written notice to the employe, or posting in conspicuous places about such place of business not less than one week next preceding the date on which the withdrawal is to become effective copies of the notice. An employer who has rejected the provisions of the Act may withdraw his rejection by filing with the employer a written notice of withdrawal, stating the date when the withdrawal is to become effective. Following the filing or giving of such notices, the status of the party withdrawing shall become the same as if his former election or rejection had not been made, except that withdrawal of election by an employer shall not be effective as to any injury sustained less than one week after the notice is filed. An employer, while operating under this chapter, shall at all times keep posted in conspicuous places about his place of business notices to that effect, in the form prescribed by the Board.

Section 7. Section 342.415 of the Kentucky Revised Statutes is amended to read as follows:

Every employe affected by this chapter who does not elect to operate under it, and his representative in case of death, shall, in any suit at law against an employer electing to operate under this chapter to recover damages for personal injury or death by accident arising out of and in the course of his employment, proceed at law as if this chapter did not exist, and the employer may avail himself of the defenses of contributory negligence, negligence of a fellow servant and assumption of risk as such defenses exist at common law.

Section 8. Subsection (2) of Section 342.480 of the Kentucky Revised Statutes is amended to read as follows:

(2) At such intervals as may be determined by the Commissioner of Industrial Relations, the board may compile and publish for distribution all or any part of its official proceed-

ings, and may charge a subscription fee sufficient to defray the expenses of such operation.

Section 9. Section 342.485 of the Kentucky Revised Statutes is amended to read as follows:

If the total net surplus to the credit of the maintenance fund of June 30 of any year exceeds $200,000.00 the tax provided for under KRS 342.475 shall not be assessed or collected during the ensuing year, and the tax provided for under KRS 342.450 shall be collected, but paid into the State Treasury to be credited to the General Fund instead of to the maintenance fund provided for in KRS 342.480.

Mr. Caudill offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, section 2(2), lines 11 and 12. By striking therefrom the language: "Commissioner of Industrial Relations" and substituting in lieu thereof the word, "Governor".

Said motion was agreed to.

Said amendment adopted.

Mr. Caudill offered the following amendment and moved its adoption.

Amendment No. 2—On page 3, section 6, line 10, by striking therefrom the word "employer" and inserting in lieu thereof the word "employe"

Said motion was agreed to.

Said amendment adopted.

Mr. Caudill offered the following amendment and moved its adoption.

Amendment No. 3—On page 4, section 7, lines 3 and 4 by striking therefrom the words "does not elect to operate under it" and inserting in lieu thereof the words "rejects the provisions herein"

Said motion was agreed to.

Said amendment adopted.

Mr. Caudill moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	W. Marvin Davis	Shelby McCallum
Walter J. Bailey	C. E. Dowell	Ralph E. McClanahan
John Rhea Banton	Harold Edmonds	William E. Maglinger
Charles E. Baumgardner, Sr.	Addison L. Everett	Damon Majors
Owen Billington	Herbert Fern	Carl D. Melton
Edward T. Breathitt, Jr.	Thomas P. Fitzpatrick	Robert K. Montgomery
Edward O. Bridgers	Cabell D. Francis	Walter R. Moorman
John Young Brown	C. Ruby Harralson	Fred Morgan
Charles W. Buchanan	Henry R. Heyburn	Thomas J. Murphy
Harry M. Caudill	Estill R. Hilton	Goebel W. Newsom, Jr.
William J. Conley	Chester J. Holsclaw	Foster Ockerman
R. Josh Cosby	William M. Horn	Louis T. Peniston
Vernor O. Cottengim	William L. Jones	Paul T. Ratcliffe
	Talmage Lacy	
	George H. Lovelace	
	Harry King Lowman	

Jack Raybourne, Jr.	C. Waitman Taylor	Mrs. Randolph Wilson
Robert Reid	Eulick Walsh	
W. R. Smith	W. W. Webster	T. D. Winstead
Mrs. Thelma L. Stovall	Morris Weintraub	Walker H. Wiseman
	William B. Wells	—54

Those who voted in the negative were—

Wallace Bartley	Harold G. Helm	Caleb McFadden
Cassius M. Clay	David Heskamp	William J. Marcum
Charles W. Craig	Lon C. Hill	George R. Martin
John L. Day	Varna Holt	Eddie J. Morris
Albert Dempsey	James W. Lambert	James Treadway
		—15

Resolved that the title thereof be as aforesaid.

Mr. Caudill moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The Speaker, Mr. Burnley, resumed the chair.

Mr. Majors moved that the rules of the House be suspended for the purpose of introducing bills and resolutions.

Said motion was agreed to.

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Majors.

H. B. No. 523. AN ACT relating to license taxes on theaters.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (4) of Section 137.050 of the Kentucky Revised Statutes is amended to read as follows:

(4) For each theater, a license fee of ten cents per seat per annum is imposed, the minimum charge to be ten dollars per

annum. In case of open air or drive-in theaters, each parking space for a vehicle from which the performance may be viewed, shall be construed as the equivalent of two seats in calculating the license fee under this section. This subsection shall not apply to chautauquas or fairs, or to buildings owned or operated by religious, educational or charitable organizations in which public exhibitions or performances are given by such organizations, but it shall apply when nonreligious, noneducational or noncharitable organizations or persons use such buildings.

By Mr. Newsom.

H. Res. No. 97. A JOINT RESOLUTION authorizing the Legislative Research Commission to make a study of and report on the garnishment and execution laws of Kentucky.

Said bill is as follows, viz:

WHEREAS, the present garnishment law of Kentucky is based on 1893 and 1910 acts of the General Assembly;

WHEREAS, economic and social conditions have changed radically since the enactment of these laws;

WHEREAS, proposed legislation which would change garnishment and execution procedures has been considered by each of the last four sessions of the General Assembly; and

WHEREAS, the information should be collected upon which the members of future sessions of the General Assembly can base their decisions regarding this matter;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is hereby authorized and directed to make a comprehensive study and survey of the present garnishment and execution laws of Kentucky, of similar statutes in other states, and of the effect of possible changes in the present law on the rights of both creditors and debtors in the Commonwealth.

Section 2. That the Legislative Research Commission shall

submit its findings to the 1956 Regular Session of the General Assembly.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 315. AN ACT relating to children, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 199.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall knowingly encourage, aid cause, or in any manner contribute to the conditions which cause or tend to cause a child to become delinquent, neglected or charged with a crime.

(2) No person having custody of a child shall willfully fail to do any act that will directly tend to prevent the child's becoming delinquent, neglected or charged with a crime.

Section 2. Section 208.150 of the Kentucky Revised Statutes is amended to read as follows:

If an investigation indicates that a child before the juvenile court may be mentally ill or defective, the court may cause the child to be examined by a health officer or child guidance clinic, or any reputable physician who will conduct the examination. If such examination confirms mental illness or defect, further proceedings shall be had in accordance with the law governing inquests concerning sanity.

Section 3. Section 208.160 of the Kentucky Revised Statutes is amended to read as follows:

When the health of any child before the juvenile court requires it, the court may order the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will provide treatment and care. In order to ascertain whether the child is in normal health, the court may cause the child to be examined by a health

officer or children's clinic or any reputable physician who will conduct the examination.

Section 4. Subsection (1) of Section 208.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) If, during the course of any proceeding in the juvenile court, it appears that a child before the court has committed a felony, and at the time of commission of the offense the child was sixteen years of age or older, or was less than sixteen years of age but the offense was murder or rape, and the court is of the opinion that the best interests of the child and of the public require that the child be tried and disposed of under the regular law governing crimes, the court in its discretion may make an order transferring the case to the circuit court of the county in which the offense was committed. No child shall be considered a felon for any purpose until transferred to, tried and convicted of a felony by a circuit court.

Section 5. Section 208.280 of the Kentucky Revised Statutes is amended to read as follows:

If it appears that the parent of any child who has been placed on probation in a family home or boarding home, or has been committed to the Youth Authority or to an institution or agency, is able to contribute to the support of the child, the court shall enter an order requiring the parent to pay a reasonable sum from time to time for the support, maintenance or education of the child. The order shall direct that the money be paid to the county clerk to be disbursed as ordered by the court or be paid to the person, institution, agency or Youth Authority to which the child was committed or probated. On application and on such notice as the court may direct, the court may make alterations in the requirement for contribution. The court may require the parent to give security for payment of the sums due, and shall enforce its orders as in cases of contempt. The enforcement of a sentence imposed on a parent who fails to comply with the order of the court may be suspended at the discretion of the court, but the suspension shall be revoked upon failure of the parent to obey the orders of the court.

Section 6. Subsection (1) of Section 208.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties containing a city of the first or second class, the county judge may appoint a chief probation officer of the juvenile court and such number of assistant probation officers, professional and clerical personnel as may be authorized by the fiscal court. Such officers shall receive reasonable salaries to be fixed by the fiscal court, and shall be allowed their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the county treasury. The officers shall serve at the pleasure of the county judge. The officers shall have the powers of a sheriff in making arrests.

Section 7. Section 208.370 of the Kentucky Revised Statutes is amended to read as follows:

In proceedings in the juvenile court, no court fees shall be charged against, and no witness fees shall be allowed to, any party to a petition. No public officer shall be entitled to receive any fee for the service of process or for attendance in court in any such proceedings. All other persons acting under orders of the court may be paid, for service of process and attendance as witnesses, the fees provided by law for like services in civil cases in the circuit court, the payments to be made out of the county treasury. The county or state may compensate any officer or person in the amount prescribed by law for the detention or return of any person to the jurisdiction of the court, and funds for this purpose may be appropriated and paid by the fiscal court.

Section 8. Section 208.380 of the Kentucky Revised Statutes is amended to read as follows:

An appeal may be taken from the juvenile session of the county court as provided in section 362 of the Criminal Code of Practice; provided, however, that nothing contained herein shall be construed to deprive the child of the right to have any judgment or order affecting it reviewed by the circuit court.

Section 9. Section 208.460 of the Kentucky Revised Statutes is amended to read as follows:

If it appears that a child committed to the Youth Authority is mentally ill or defective, the Youth Authority may commit

him, for a period of observation not to exceed thirty-five days, to a state mental hospital or to the Kentucky Training Home, or to a public hospital having a psychopathic ward or facilities suitable for the observation of mental conditions. If it appears from such observation that the child requires treatment or hospitalization for mental illness or defect, the Youth Authority shall cause proceedings to be instituted under the statutes governing inquests concerning mental condition, and if the child is committed to a mental hospital or to the Kentucky Training Home he shall automatically be discharged from his commitment to the Youth Authority. If facilities are not available to receive a child in a state mental hospital or the Kentucky Training Home, the Youth Authority may retain custody of the child for a reasonable time or return the child to the county of the court which committed the child to the Youth Authority.

Mr. Davis moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Wallace Bartley	Leo A. Bleemel
Walter J. Bailey	Charles E. Baumgardner, Sr.	J. C. Bradley
John Rhea Banton	Owen Billington	Edward T. Breathitt, Jr.

Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William L. Jones
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
William A. Routh
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
—71

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 463. AN ACT relating to the compensation of certain public officers and employes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.520 of the Kentucky Revised Statutes is amended to read as follows:

In any judicial district composed of only one county, the assistant Commonwealth's attorneys and the stenographers and district detectives for the Comomnwealth's attorney, provided for by law, shall receive such compensation, payable out of the county treasury, as is fixed by the fiscal court. In any judicial district composed of more than one county, for which an assistant Commonwealth's attorney, stenographer or district detective for the Commonwealth's attorney is provided for by law, the fiscal courts of the several counties shall, by joint action, exercise the powers conferred by this section upon the fiscal courts of single-county districts with respect to fixing compensation, and such compensation shall be paid out of the county treasuries of the respective counties in proportion to the amount of work attributable to each county, the proportion being certified by the Commonwealth's attorney.

Section 2. Section 69.105 of the Kentucky Revised Statutes is amended to read as follows:

In counties containing a city of the second class, the Commonwealth's attorney may appoint a stenographer for a term of four years, subject to removal at any time by the Commonwealth's attorney. The stenographer shall do stenographic work for the Commonwealth's attorney and perform such other duties assigned to him by the Commonwealth's attorney, and shall have the same power of administering an oath as a notary public. The stenographer may receive an annual salary of not less than fifteen hundred dollars, nor more than eighteen hundred dollars, to be paid by the fiscal court out of the county levy in equal monthly installments, except that in a county which constitutes a separate judicial district an annual salary of twelve hundred dollars to three thousand dollars shall be paid. In judicial districts which contain one or more other counties in addition to the county containing a city of the second class, each county shall pay a proportionate part of the salary of the stenographer, in proportion to the amount of work attributable to each county, the proportion being certified by the Commonwealth's attorney; and provided same is approved by the fiscal courts of such counties.

The Committee on Rules offered the following amendment and Mr. Lowman moved its adoption.

Amendment No. 1—On page 2, section 2, line 15. Delete the words "Three thousand" and substitute the words "Thirty six hundred" in lieu thereof.

Said motion was agreed to.

Said amendment adopted.

Mr. Weintraub moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward T. Breathitt, Jr.	W. Marvin Davis
Walter J. Bailey	Edward O. Bridgers	John L. Day
John Rhea Banton	John Young Brown	C. E. Dowell
Wallace Bartley	Charles W. Buchanan	Harold Edmonds
Charles E. Baumgardner, Sr.	William J. Conley	Addison L. Everett
Owen Billington	R. Josh Cosby	Thomas P. Fitzpatrick
Leo A. Bleemel	Vernor O. Cottengim	Cabell D. Francis
J. C. Bradley	Charles W. Craig	W. L. Hadden
		C. Ruby Harralson

George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William L. Jones
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
George R. Martin
Carl D. Melton
Robert K. Montgomery
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
William A. Routh
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
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Those who voted in the negative were—

Albert Dempsey
James Treadway
—2

Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 119. AN ACT providing that certain types of employment shall not constitute "covered employment" under the Unemployment Compensation Act.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Unless the employing unit thereof, as defined in KRS 341.060, has elected that such services become covered employ-

ment under the provisions of subsection (3) of KRS 341.250, "covered employment", as used in KRS Chapter 341, does not include services performed in the employ of any perpetual care, nonprofit cemetery association, corporation or trusteeship, which perpetual care, nonprofit cemetery association, corporation or its trustees, has not more than eight employes, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Leo A. Bleemel	Harry M. Caudill
Walter J. Bailey	J. C. Bradley	Cassius M. Clay
John Rhea Banton	Edward T. Breathitt, Jr.	William J. Conley
Wallace Bartley	Edward O. Bridgers	R. Josh Cosby
Charles E. Baumgardner, Sr.	John Young Brown	Vernor O. Cottengim
Owen Billington	Charles W. Buchanan	Charles W. Craig
		W. Marvin Davis
		C. E. Dowell

Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
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Those who voted in the negative were—

John L. Day Albert Dempsey —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 492. AN ACT relating to the State Investment Commission, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 41.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a State Investment Commission composed of the Governor, the State Treasurer, and the Commissioner of Finance. The Commission shall have authority to and may invest any and all surplus funds of the State in direct obligations of the United States Government, or of the Commonwealth of Kentucky. All such investments shall be obligations that will mature within five years from the date of investment.

(2) The Commission shall also have authority and may, whenever in its opinion the cash in the State Treasury is in excess of the amount required to meet current expenditures, invest any and all of said excess cash in United States Treasury Bills or Certificates of Indebtedness or any other United States Government security which will mature within one year from the date of investment.

(3) Interest earned from investments made pursuant to this section shall accrue to the credit of the General Expenditure Fund, except that interest from investments of excess cash in the Road Fund shall be credited to the Road Fund and interest earned from the investment of funds accumulated solely by means of contributions and gifts shall not be diverted to any purpose other than that stipulated by the donor, when such donor shall have designated the use to which such interest shall be placed.

(4) The authority granted by this section to the State Investment Commission shall not extend to any funds that are specifically provided by law to be invested by some other officer or agency of the state government.

Section 2. Section 41.295 of the Kentucky Revised Statutes is repealed.

Mr. Montgomery moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey
John Rhea Banton
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid
William A. Routh
W. R. Smith
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells

Mrs. Randolph Wilson	T. D. Winstead	Walker H. Wiseman
	Charles W. Wirsch	—66

Those who voted in the negative were—

Harold G. Helm	George R. Martin	James Treadway
		—3

Resolved that the title thereof be as aforesaid.

Mr. Montgomery moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 494. AN ACT requiring notice to the Department of Highways of claims against the Commonwealth of Department of Highways.

Mr. Brown moved that H. B. No. 494 be laid on the Clerk's desk.

Said motion was agreed to.

Ordered that said bill be laid on the Clerk's desk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 212. AN ACT relating to the licensing of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before the owner or operator of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and neces-

sity, may operate it or permit its operation upon a highway, the owner shall apply for registration to the county clerk of the county in which he resides except if the motor vehicle is to be operated principally in a county other than the county of the owner's residence, the owner may apply for registration to the county clerk of the county in which the motor vehicle is to be principally operated. A motor vehicle last registered in another state and purchased by a person for operation in this state shall be first registered in this state by and in the name of the purchaser and not in the name of the seller. The application shall be retained by the clerk and shall be accompanied by:

(a) A bill of sale, if the application is for the registration of a new motor vehicle; or

(b) The owner's registration receipt, if the motor vehicle was last registered in this state; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a motor vehicle to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a motor vehicle to obtain a certificate of title or ownership.

After that, he shall register his motor vehicle on or before January 1 of each year. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the Department.

(2) If an owner, because of sickness or absence from the state is unable to renew the registration of his motor vehicle on or before January 1, he will be deemed to have complied with the law, if before operating the motor vehicle in this state he registers it at some later date and pays the fee for the full year, just as though he had renewed the registration on or before January 1. The owner shall file with the application an affidavit showing sickness or absence.

Section 2. Section 186.030 of the Kentucky Revised Statutes is amended to read as follows:

The application blank shall contain blank spaces for, and the applicant shall fill in, the owner's name and postoffice address, make of the vehicle, motor number or vehicle identification number, car or chassis number, if any, model and year model, motive power, style body, and, if the motor vehicle is a truck, designed for the transportation of property, the gross weight in pounds. The declared gross weight shall be the weight of the vehicle and the heaviest load that the vehicle will be used to carry at any time on the highways. Every application shall be accompanied by the appropriate fee.

Section 3. Subsection (1) of Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The annual registration fee for motor vehicles, including taxicabs, primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

Section 4. Section 186.160 of the Kentucky Revised Statutes is amended to read as follows:

No clerk shall receive an application for registration, nor register a motor vehicle, unless the motor vehicle bears a motor number or a vehicle identification number. If there is no motor number or vehicle identification number, or if the number is not plainly legible, the owner shall apply through the clerk to the department for a motor number or vehicle identification number, and when that number is assigned to the owner's motor vehicle the owner shall cause the number to be stamped on the motor with a steel die or in the space provided by manufacturer for vehicle identification number. That number shall thereafter be used by the owner in making registration or executing a bill of sale.

Section 5. Subsection (2) of Section 186.170 of the Kentucky Revised Statutes is amended to read as follows:

(2) The registration year shall be from January 1 to December 31; however, registration plates for the succeeding year may be displayed beginning December 15.

Section 6. Section 186.210 of the Kentucky Revised Statutes is amended to read as follows:

No person shall make any false statements in applications for registration, motor numbers, or vehicle identification numbers, or duplicates of receipts or plates. The penalty provided for violation of this section by KRS 186.990 shall be printed prominently on every form or blank used for these purposes and furnished by the department. No person shall use, display or keep registration plates or receipts that do not belong, or have not been issued, to him.

Section 7. The introductory phrase and Subsections (2) and (4) of Section 186.240 of the Kentucky Revised Statutes are amended to read as follows:

It shall be the duty of the department to carry out the provisions of KRS 186.020 to 186.260 and in doing so shall:

(2) Keep a numerical record of all registration numbers issued in the state, for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor or vehicle identification numbers required by KRS 186.160.

(4) Annually estimate the quantity of plates, insignia, and other forms necessary for the succeeding year for each county in the state and said estimated quantity shall be delivered to the clerk in each county not later than November 1.

Mr. Lowman offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, section 1, line 29. By deleting the word "January" and substituting in lieu thereof the word "March."

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman offered the following amendment and moved its adoption.

Amendment No. 2—On page 2, section 1, line 34. By deleting the word "January" and substituting in lieu thereof the word "March."

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman offered the following amendment and moved its adoption.

Amendment No. 3—On page 2, section, line 38. By deleting the word "January" and substituting in lieu thereof the word "March."

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman offered the following amendment and moved its adoption.

Amendment No. 4—On page 4, section 5, line 5, by deleting the figure "15" and substituting in lieu thereof the figure "29"

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman offered the following amendment and moved its adoption.

Amendment No. 5—On page 5, section 7, line 14 by deleting the word "November" and substituting in lieu thereof the word "December"

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Thomas J. Murphy
Walter J. Bailey	W. L. Hadden	Foster Ockerman
John Rhea Banton	C. Ruby Harralson	Louis T. Peniston
Charles E. Baumgardner, Sr.	George F. Harris	Edward D. Pollitte
Owen Billington	Henry R. Heyburn	Roger E. Qualls
Leo A. Bleemel	Chester J. Holsclaw	Paul T. Ratcliffe
J. C. Bradley	William M. Horn	Jack Raybourne, Jr.
Edward T. Breathitt, Jr.	William L. Jones	Hobart Rayburn
Edward O. Bridgers	Talmage Lacy	Robert Reid
Cassius M. Clay	George H. Lovelace	William A. Routh
R. Josh Cosby	Harry King Lowman	W. R. Smith
Vernor O. Cottengim	Shelby McCallum	Mrs. Thelma L. Stovall
W. Marvin Davis	Ralph E. McClanahan	C. Waitman Taylor
C. E. Dowell	William E. Maglinger	Eulick Walsh
Harold Edmonds	William C. Mann	Will Tom Wathen
Addison L. Everett	Carl D. Melton	William B. Wells
Herbert Fern	Robert K. Montgomery	Mrs. Randolph Wilson
Thomas P. Fitzpatrick	Walter R. Moorman	T. D. Winstead
		Walker H. Wiseman

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Those who voted in the negative were—

Wallace Bartley	David Heskamp	William J. Marcum
Charles W. Buchanan	Lon C. Hill	George R. Martin
Harry M. Caudill	Estill R. Hilton	LeRoy Saylor
Charles W. Craig	Varna Holt	E. H. Stumbo
Albert Dempsey	James W. Lambert	James Treadway
Harold G. Helm	Caleb McFadden	Charles W. Wirsch
	Damon Majors	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 92. A JOINT RESOLUTION providing for the payment of compensation for the benefit of officers and employes of the Senate, the House of Representatives, and the Statute Revision Commission for services rendered in connection with and related to the present session of the General Assembly, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is hereby appropriated from the Legislative Session Fund additional allowances to cover necessary expenses for the following employees and officers of the Senate and House of Representatives, viz: Enrolling Clerk, Sergeant-at-Arms, Doorkeepers, Cloakroom Keepers, Janitors and Pages, to that compensation provided in KRS 6.230, the sum of Twenty-one thousand seven hundred and fifty-six dollars.

Section 2. That the Chief Clerk of the Senate shall requisition and the Commissioner of Finance shall draw a warrant for the sum of nine thousand five hundred and forty-six dollars on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the Senate. Such Chief Clerk shall forthwith distribute such expense allowances on the basis of the number of days that such employes and officers served during the regular session of the General Assembly in the year 1954, the rate per day being computed by said Chief Clerk and the Committee on Committees of the Senate on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

Section 3. The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall draw a warrant for the sum of twelve thousand two hundred and ten dollars on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the House of Representatives. Such Chief Clerk shall forthwith distribute to the employes and officers of the House of Representatives such expense allowances on the basis of the number of days that such employes and officers served during the regular session of the General Assembly in 1954, the rate per day to be computed by the said Chief Clerk and the Committee on Committees of the House of Representatives on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

Section 4. There is appropriated out of the General Expenditure Fund a sufficient sum of money to enable the payment of compensation, at the rate of three dollars per day each, during the period of the present session of the General Assembly, to Dee Akers, Herbert Liebman, George Triplett, Ollie Jackson, Eleanor Weathers, Gayle Givens and Eva Jarvis for extra services performed, overtime actually worked, which extra services and extra hours were made necessary by reason of attendance upon the members of the General Assembly at both the day and night sessions, and at other times.

Section 5. The Chief Clerk of the House of Representatives shall requisition, and the Commissioner of Finance shall draw his warrant upon the State Treasurer in favor of said Chief Clerk for the sum hereby appropriated. The Chief Clerk shall forthwith distribute said sum in the manner contemplated by this Resolution.

Section 6. All Acts or parts of Acts in conflict herewith to the extent of such conflict are hereby repealed.

Section 7. WHEREAS, the General Assembly will within a short time adjourn and the employes and officers will depart for various sections of the state, an emergency is hereby declared to exist, and this resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth.

Mr. Lowman offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, section 1, line 7 By deleting line 7 in its entirety and substituting in lieu thereof the following: "Twenty-seven thousand seven hundred and fifty-six dollars."

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward O. Bridgers	John L. Day
Walter J. Bailey	John Young Brown	Albert Dempsey
John Rhea Banton	Charles W. Buchanan	C. E. Dowell
Wallace Bartley	Harry M. Caudill	Harold Edmonds
Charles E. Baumgardner, Sr.	Cassius M. Clay	Addison L. Everett
Leo A. Bleemel	William J. Conley	Herbert Fern
J. C. Bradley	R. Josh Cosby	Thomas P. Fitzpatrick
Edward T. Breathitt, Jr.	Vernor O. Cottengim	Cabell D. Francis
	Charles W. Craig	C. Ruby Harralson
	W. Marvin Davis	George F. Harris

Harold G. Helm
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
William A. Routh
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 91. A JOINT RESOLUTION providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly; appropriating money from the Legislative Session Fund for the purposes of such compensation; providing for the distribution of the money so appropriated; and declaring an emergency.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is appropriated out of the Legislative Session Fund a sufficient sum of money to enable the payment of compensation, at the rate of three dollars per day each, during the period of the present session of the General Assembly, to William L. Davis, Fred Burke, Eugene Calvert, Palmer Henderson, Edward Quire, Kelly Gilbert, William Gossett, Haskell Harrod, William Mann, Jessie Stockton, George Suter, James Weber, Russell Wilson, Ike Yett, Sam Penn, John E. Polsgrove, A. J. Shramm, for extra services performed overtime actually worked, in the operation and maintenance of the State Capitol and its various facilities, which extra services and extra hours were made necessary by reason of attendance upon the members of the General Assembly at both the day and night sessions and committee meetings thereof, and at other times.

Section 2. The Chief Clerk of the House of Representatives shall requisition, and the Commissioner of Finance shall draw his warrant upon the State Treasurer in favor of said Chief Clerk for the sum hereby appropriated. The Chief Clerk shall forthwith distribute said sum in the manner contemplated by this Resolution.

Section 3. WHEREAS, the General Assembly will within a short time adjourn and the officers and employes will depart for various sections of the state, an emergency is declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
William A. Routh
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

Mr. Lowman moved that the House recess until 8:00 P. M.

Said motion was agreed to.

The hour of 8:00 P. M. having arrived, the Speaker, Mr. Burnley, resumed the chair.

Mr. Lowman moved that the rules of the House be suspended for the purpose of making Committee reports.

Said motion was agreed to.

COMMITTEE REPORTS

Mr. Burnley, Chairman of the Committee on Rules, to which same had been previously referred, reported favorably bills and resolutions of the following titles, viz:

H. B. No. 447. AN ACT relating to child care.

H. B. No. 452. AN ACT relating to livestock markets and the posting of bond for the protection thereof.

H. Res. No. 97. A JOINT RESOLUTION authorizing the Legislative Research Commission to make a study of and report on the garnishment and execution laws of Kentucky.

H. B. No. 523. AN ACT relating to license taxes on theaters.

S. B. No. 160. AN ACT relating to condemnation for water supply by owner of real estate providing public sleeping accommodations and meals, etc.

S. B. No. 79. AN ACT concerning service of process on non-resident motorists.

S. B. No. 231. AN ACT relating to eggs and the marketing thereof.

H. B. No. 448. AN ACT relating to challengers at general, primary and special elections, etc.

S. B. No. 198. AN ACT relating to zoning and planning in cities of the first class and counties containing such cities.

Whereupon said bills and resolutions were read at length for the first time and

Ordered placed in the Calendar.

Mr. Lowman moved that the vote by which H. Res. No. 56 was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Mr. Lowman moved that H. Res. No. 56 be recommitted to the Committee on Rules to which it had been referred.

Said motion was agreed to by voice vote.

The House took up for consideration from the Clerk's desk a bill of the following title, viz:

H. B. No. 279. AN ACT relating to unemployment insurance, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1

Section 341.295 of Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

341.295 *Unemployment Compensation Contingent Fund.*

All fines, penalties and interest on delinquent contributions collected under KRS 341.300 shall be credited to the Unemployment Compensation Administration Fund to be used for the administration of this chapter. The State Treasurer shall maintain a separate record of all money received for the Unemployment Compensation Administration Fund under this section. This money shall not be expended or available for expenditure in any manner that would permit its substitution for,

or a corresponding reduction in, Federal funds that would be available in its absence to finance expenditures for the administration of this chapter. But nothing in this chapter shall prevent this money from being used as a revolving fund to cover necessary and proper expenditures for which Federal funds have been requested but not received, subject to the charging of such expenditures against such funds when received, or to supplement Federal funds which are, in the opinion of the Commissioner, insufficient to properly administer this chapter. The Commissioner may also authorize to be charged against such money any expenditures he deems proper and desirable for the administration of this chapter and replace any money necessary under the provisions of KRS 341.610, if no other funds are available or can properly be used to finance such expenditures. The money heretofore collected and credited to the Unemployment Compensation Contingent Fund shall be transferred to the Unemployment Compensation Administration Fund and shall be available for expenditure under the provisions of this section.

Section 2

Section 341.350 of Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

341.350 *Conditions of qualification for benefits.*

An unemployed worker shall, except as provided in KRS 341.360 and 341.370, be eligible for benefits with respect to any week of unemployment only if:

(1) He has made a claim for benefits;

(2) He has registered for work with respect to such week in accordance with regulations prescribed by the Commission;

(3) He is physically and mentally able to work;

(4) He is available for suitable work;

(5) His base period wages are not less than three hundred dollars, some part of which was earned in the 3rd or 4th quarter of his base period and if his total base period wages are less than seven hundred dollars, wages equal to at least 10 times the rate listed in Column (C) of Table A in KRS 341.380 in each

of the 1st and 3rd or the 2nd and 4th quarters of his base period; and

(6) He has served a waiting period of one week of unemployment within his benefit year. No week of unemployment shall be counted as a waiting period unless the worker has satisfied the conditions of subsections (1), (2), (3), (4) and (5) of this section.

Section 3

Section 341.440 of Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

341.440 *Procedure on Review by Referee and Commission; Witness Fees.*

(1) The manner in which appeals are presented and hearings and appeals conducted shall be in accordance with regulations prescribed by the Commission for determining the rights of the parties, such hearings to be conducted in a summary manner. A complete record shall be kept of all proceedings in connection with any appeal. All testimony at any hearing upon an appeal shall be recorded either stenographically or mechanically, but need not be transcribed unless further appealed. No examiner, referee or member of the Commission shall participate in any hearing in which he is an interested party.

(2) Witnesses subpoenaed pursuant to preceedings under KRS 341.420 and 341.430 shall be allowed fees in accordance with rates allowed by law. Such fees and all expenses of proceedings before the Division or Commission involving disputed claims shall be deemed a part of the expense of administering this chapter.

(3) In the absence of an appeal therefrom, decisions of the commission shall become final twenty days after the date they are made.

Section 4

Section 341.450 of Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

341.450 *Judicial Review.*

(1) Except as provided in KRS 341.460, within twenty days after the date of the decision of the Commission, any party aggrieved thereby may, after exhausting his remedies before the Commission, secure judicial review thereof by filing a complaint against the Commission in the circuit court of the county in which the claimant was last employed by a subject employer whose reserve account is affected by such claims. Any other party to the proceeding before the Commission shall be made a defendant in such action. The complaint shall state fully the grounds upon which review is sought, assign all errors relied on, and shall be verified by the plaintiff or his attorney. The plaintiff shall furnish copies thereof for each defendant to the Commission, which shall deliver one copy to each defendant.

(2) Summons shall issue upon the complaint directing the Commission to file answer within twenty days after service thereof. Such summons shall be served upon a member of the Commission, or upon such person as the Commission designates, and such service shall be deemed complete service upon all members of the Commission. The Commission may be represented by any qualified attorney designated by the Commission for that purpose or, at the request of the Commission, by the Attorney-General. With its answer, the Commission shall certify and file as an exhibit with the court all documents and papers, and a transcript of all testimony taken in the matter, and orders made therein, together with its findings of fact and decision therein. If consented to by the plaintiff and the adverse party, an abstract of any portion of the record may be certified by the Commission in lieu of certifying such portion of the record in full. The Commission may certify to the court questions of law involved in any decision by it.

(3) Such actions, and the questions so certified, shall be heard by the court in a summary manner upon the record certified by the Commission. The court on its own motion or on the motion of an interested party shall assign a date certain for the review, irrespective of the regular term of court. The clerk of the court shall notify the attorneys of record, the date assigned for review at least ten days in advance thereof.

The court shall enter judgment, affirming, modifying, or setting aside the order and the decision appealed from, or determining the question of law certified to it by the Commission, and may in advance of judgment, remand the case to the Commission for further proceedings in accordance with the direction of the court.

Section 5

Every surety contract or bond which guarantees and binds the performance of any public contract, whether state or a subdivision of the state, to be performed in Kentucky by a subject employer shall contain a provision guaranteeing that all unemployment insurance contributions will be paid by the principal or surety.

Section 6

Any subject employer who is the general or prime contractor of any contract to be performed in Kentucky shall be secondarily liable for the payment of contributions and responsible for the filing of any reports required by law of any employing unit to which he has subcontracted in part or whole the performance of the contract.

Section 7

Any state agency, board, division, or department of the Commonwealth, after affording the interested parties a proper hearing, shall revoke the license, franchise, permit, or certificate of convenience issued by it to any employing unit upon complaint and the submission of sufficient evidence by the Commissioner that such employing unit has refused or failed to file any report required or pay any contributions due under KRS Chapter 341.

Such hearings shall be conducted according to the procedures established by the granting authority, and, in the absence of established procedures, the head of the agency, board, division, or department shall conduct the hearing in a summary manner. Either party to the hearing shall have the right to appeal from the granting authority's order to the Franklin Circuit Court for review.

Prior to the filing of the complaint, the Commissioner shall notify the employing unit by registered mail at its last known address of his intention to file such complaint after 10 days from the mailing date of said notice.

Section 8

(1) Any employing unit refusing to make reports required under this chapter within ten days after written notice sent by the Commissioner to the employing unit's last known address by registered mail, notifying him that this section of the act will be invoked unless the reports are filed, may be restrained or enjoined from operating a business in Kentucky, upon complaint of the Commissioner filed in the Franklin Circuit Court or any other court of competent jurisdiction, until such reports shall have been made.

(2) When the Division holds a judgment against an employer still actively engaging in business in Kentucky and liable for contributions under this chapter, and an execution on the judgment has been returned unsatisfied, then if the employer, within ten days after written notice sent by the Commissioner to the employer's last known address by registered mail notifying him that this section of the act will be invoked unless such judgment is satisfied, refuses to pay contributions covered by the judgment on which the execution was issued, such employer may be restrained or enjoined from operating a business in Kentucky, upon complaint of the Commissioner filed in the Franklin Circuit Court or in any other court of competent jurisdiction, until such contributions have been paid.

(3) Proceedings under this section shall be in accordance with the Kentucky Rules of Civil Procedure, except that no bond shall be required of the Commonwealth.

Section 9

Any employing unit which is not a resident of this state and which exercises the privilege of having one or more individuals perform service for it within this state, and any resident employing unit which exercises that privilege and thereafter removes from this state, shall be deemed thereby to appoint the Secretary of State as its agent and attorney for the acceptance of

process in any civil action, as provided in KRS 341.300 and 341.310. In instituting such an action against any such employing unit the Commissioner shall cause such process or notice to be filed with the Secretary of State and such service shall be sufficient service upon such employing unit, and shall be of the same force and validity as if served upon it personally within this state:

PROVIDED, that, the Commissioner shall forthwith send notice of the service of such process or notice, together with a copy thereof, by registered mail, return receipt requested, to such employing unit at its last known address and such return receipt, the Commissioner's affidavit of compliance with the provisions of this section, and a copy of the notice of service shall be appended to the original of the process filed in the court in which such action is pending.

Section 10

(1) As used in this section, the term "seasonal industry" means an occupation or industry in which, because of the seasonal nature thereof, it is customary to operate only during a regularly recurring period or periods of less than forty weeks. The Commission may, after investigation and hearing, determine, and may thereafter from time to time, redetermine the longest seasonal period or periods during which by the best practice of the occupation or industry in question, operations are conducted. Until such determination by the Commission, no occupation or industry shall be deemed seasonal.

(2) As used in this section, the term "seasonal worker" means a worker who is ordinarily engaged in a seasonal industry and who, during the portion or portions of the year when such industry is not operating, is ordinarily not engaged in any other covered employment.

(3) The Commission shall prescribe fair and reasonable general rules applicable to seasonal workers for determining the period for earning and the amount of the total wages required to qualify such workers for benefits, the amounts of such benefits, and the period for which such benefits shall be payable to them. The Commission may prescribe fair and reasonable rules

with respect to such other matters relating to benefits for seasonal workers as the Commission finds necessary and consistent with the policy and purposes of this chapter.

Mrs. Stovall offered the following amendment and moved its adoption.

Amendment No. 1—On pages 2 and 3, section 2, lines 1 through 23. By striking out all of Section 2.

Said motion was agreed to.

Said amendment adopted.

Mr. Horn offered the following amendment and moved its adoption.

Amendment No. 2—On pages 6 and 7. Delete Sections 6, 7 and 8.

Said motion was agreed to.

Said amendment adopted.

Mrs. Stovall offered the following amendment and moved its adoption.

Amendment No. 3—On page 9, section 10, lines 1 through 25, By striking out all of Section 10.

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Goebel W. Newsom, Jr.
Walter J. Bailey	C. Ruby Harralson	Foster Ockerman
John Rhea Banton	Henry R. Heyburn	Louis T. Peniston
Charles E. Baumgardner, Sr.	Lon C. Hill	L. M. Tipton Reed
Leo A. Bleemel	Estill R. Hilton	Robert Reid
J. Murray Blue	William M. Horn	William A. Routh
John Young Brown	George H. Lovelace	LeRoy Saylor
Harry M. Caudill	Harry King Lowman	W. R. Smith
Cassius M. Clay	Shelby McCallum	Mrs. Thelma L. Stovall
R. Josh Cosby	Ralph E. McClanahan	E. H. Stumbo
Vernor O. Cottengim	William C. Mann	Eulick Walsh
W. Marvin Davis	George R. Martin	Will Tom Wathen
John L. Day	Carl D. Melton	Morris Weintraub
C. E. Dowell	Robert K. Montgomery	Warren D. Williams
Harold Edmonds	Walter R. Moorman	T. D. Winstead
Addison L. Everett	Fred Morgan	Walker H. Wiseman
Herbert Fern	Eddie J. Morris	Paul E. Young
Thomas P. Fitzpatrick	Thomas J. Murphy	

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Those who voted in the negative were—

Edward T. Breathitt, Jr.	Albert Dempsey	Tom Mobley
Edward O. Bridgers	Harold G. Helm	Jack Raybourne, Jr.
Charles W. Buchanan	David Heskamp	Lloyd E. Rogers
Paul Cobb	Chester J. Holsclaw	James Treadway
William J. Conley	Varna Holt	W. W. Webster
	Caleb McFadden	
	William J. Marcum	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 417. AN ACT changing the classification of the City of La Center, in Ballard County.

Said bill is as follows, Viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of La Center, in Ballard County, is such as to justify its being classified as a city of the fifth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of La Center, in Ballard County, is transferred from the sixth to the fifth class of cities.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
William A. Routh
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 244. AN ACT relating to the levy and assessment of property taxes, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.200 of the Kentucky Revised Statutes is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation.

(2) Livestock and domestic fowls.

(3) Capital stock of building and loan associations.

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plants for the purpose of manufacture. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job-printing plant shall be deemed to be actually engaged in manufacturing.

(5) Unmanufactured agricultural products, (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loan or loans thereon granted by the United States Government or any agency thereof), and except that cities and counties may each impose an ad valorem tax of not exceeding fifteen cents on each one hundred dollars of the fair cash value of all unmanu-

factured agricultural products, except tobacco, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of maufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale.

(6) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies.

Mr. Montgomery offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, section 5, lines 21 through 33 by deleting said lines and substituting therefor the following: "The value, or amount, of any unpaid nonrecourse loan or loans granted by the United States Government or any agency thereof on any unmanufactured agricultural products shall be exempt from taxation for state purposes. This Act shall become effective during the taxable year 1955."

Said motion was agreed to.

Said amendment adopted.

Mr. Montgomery moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Estill R. Hilton
Varna Holt
William M. Horn
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Montgomery moved that the vote by which said bill

was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 370. AN ACT relating to Workmen's Compensation, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 342.005 of the Kentucky Revised Statutes is amended to read as follows:

(1) This chapter shall apply to all employers having three or more employes regularly engaged in the same occupation or business, and to their employes, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States; provided, however, it shall apply to the operators of threshing machines used in threshing or hulling grain or seeds. It shall affect the liability of the employers subject thereto to their employes for a personal injury sustained by the employe by accident arising out of and in the course of his employment, or for death resulting from such accidental injury; provided, however, that "personal injury by accident" shall include occupational diseases as defined in KRS 342.317 and shall also include diseases which are the natural and direct result of a traumatic injury by accident, and shall also include injury or death due to inhalation in mines of noxious gases or smoke, commonly known as "bad air," and shall also include injuries or death due to the inhalation of any kind of gas.

(2) Any employers and employes who are by the provisions of this section excepted from the provisions of this chapter, including employers having less than three employes, may subject themselves thereto by joint, voluntary application to the board,

in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the board or the employment be terminated.

Section 2. Section 342.015 of the Kentucky Revised Statutes is amended to read as follows:

(1) Where at the time of the injury both employer and employe have elected to furnish or accept compensation under the provisions of this chapter for a personal injury, received by an employe by accident and arising out of and in the course of his employment, or for death resulting from such injury, the employer shall be liable to provide and pay compensation under the provisions of this chapter and shall, except as provided in subsection (2) of this section and in KRS 342.170, be released from all other liability.

(2) If injury or death results to an employe through the deliberate intention of his employer to produce such injury or death, the employe or his dependent as herein defined shall receive the amount provided in this chapter in a lump sum to be used, if desired, to prosecute the employer. The dependents may bring suit against the employer for any amount they desire. If injury or death results to an employe through the deliberate intention of his employer to produce such injury or death, the employe or his dependents may take under this chapter, or in lieu thereof, have a cause of action at law against the employer as if this chapter had not been passed, for such damage so sustained by the employe, his dependents or personal representatives as is recoverable at law. If a suit is brought under this section, all right to compensation under this chapter shall thereby be waived as to all persons. If a claim is made for the payment of compensation or any other benefit provided by this chapter, all rights to sue the employer for damages on account of such injury or death shall be waived as to all persons.

(3) No employe or dependent of any employe may receive compensation on account of any injury to or death of an employe caused by a willful, self-inflicted injury, or willful misconduct of such employe.

(4) "Willful misconduct" as used in this section when relating to the disease of silicosis caused by the inhalation of silica dust, shall include:

(a) Failure or omission on the part of an employe to observe rules and recommendations adopted by the employer and approved by the Workmen's Compensation Board and kept posted in a conspicuous place in and about the plant;

(b) Fraudulent failure or omission on the part of an employe truthfully to state to the best of his knowledge in answer to inquiry made by the employer the place, duration, and nature of previous employment;

(c) Fraudulent failure and omission on the part of an employe truthfully to furnish to the best of his knowledge in answer to an inquiry made by the employer full information about the previous status of his health, habits, and medical attention that he or his blood relatives may have received;

(d) Failure to submit to medical examination to determine his physical condition with reference to the disease of silicosis when ordered by the board, or evasion or obstruction of such examination.

Section 3. Section 342.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to all other compensation provided under the Workmen's Compensation Law, the employer shall pay the expense for the cure and relief from the effects of an injury to an employe, such medical, surgical, and hospital treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, but not exceeding a total expense to the employer of more than twenty-five hundred dollars. The injured employe may select the doctor or doctors to treat his injury and the hospital or hospitals in which his injury shall be treated. The board, in its discretion, may apportion payments to be made under this section between hospitals and physicians in cases where their aggregate fees and charges would exceed the maximum for which the employer is liable.

(2) As used in this Act, the words "Doctor," "Physician"

and "Surgeon" shall be construed to mean and include all duly licensed and practicing doctors and practitioners who have been licensed in their profession under the laws of any state.

(3) Where a compensable injury results in the amputation of an arm, hand, leg or foot, or the loss of hearing, or the enucleation of an eye, or the loss of natural teeth, the employer shall initially pay for in addition to other medical, surgical and hospital treatment enumerated in subsection (1) of this section, a modern artificial member, and where required, proper braces, and in addition the employer shall pay for, repair, or replace, any artificial member, eye or teeth, or eye-glasses, which may be damaged or destroyed by an accident for which compensation is payable, but the employer's liability for such artificial members or braces shall not, including his liability for medical, surgical and hospital treatment, exceed twenty-five hundred dollars.

Section 4. Section 342.021 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever an employe receives a personal injury which is or may be compensated under the Workmen's Compensation Law and said employe is examined or treated for such injury by a doctor or physician selected by the employer, the employer shall cause to be furnished to the employe, if requested by him, and to the board, if required by it, immediately following said examination or treatment a copy of the report of the doctor or physician showing the nature and condition and effect of the employe's injury. Upon any future examination or examinations by a doctor or physician selected by the employer, the employer shall cause to be furnished to the employe, if requested by him, and to the board, if required by it, immediately following such examination copies of the reports thereof containing the information mentioned above.

(2) If the employe should be examined or treated by any doctor of his own choosing, the employe shall, immediately following said examination, cause a copy of the report thereof to be furnished to his employer or to the board, if required by either.

Section 5. Subsection (1) of Section 342.030 of the Kentucky Revised Statutes is hereby repealed.

Section 6. Section 342.035 of the Kentucky Revised Statutes is amended to read as follows:

(1) All fees and charges under KRS 342.020 shall be fair and reasonable, shall be subject to regulation by the board and shall be limited to such charges as are reasonable for similar treatment of injured persons of a like standard of living in the same community and where such treatment is paid for by the injured person himself. In determining what fees are reasonable, the board may also consider the increased security of payment afforded by this chapter.

(2) Where such requirements are furnished by a public hospital or other institution, payment thereof shall be made to the proper authorities conducting it. No compensation shall be payable for the death or disability of the employe, if his death is caused, or if in so far as his disability is aggravated, caused or continued, by an unreasonable failure to submit or follow any competent surgical treatment or medical aid or advice.

Section 7. Section 342.040 of the Kentucky Revised Statutes is amended to read as follows:

Unless the employe is compensated by his employer by the payment of his regular wages, compensation shall be paid from the first day of disability. All compensation shall be payable on the regular pay day of the employer, commencing with the first regular pay day after the injury with interest at the rate of six percent per annum on each installment from the time it is due until paid.

Section 8. Section 342.070 of the Kentucky Revised Statutes is amended to read as follows:

If death should result from an accident for which compensation is payable under this chapter, the employer or his insurer shall pay to the person entitled to compensation, or, if none, then to the personal representative of the deceased employe, reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of five hundred dollars and shall also pay to or for the following persons compensation as follows:

(1) If there are no dependents there shall be paid, in addi-

tion to the burial expenses and medical expenses, if any, the further sum of two hundred dollars, payment to be made to the personal representative of the deceased employe.

(2) If there are one or more wholly dependent persons, seventy-five percent of the average weekly earnings of the deceased employe, but not to exceed thirty-five dollars nor less than fifteen dollars per week shall be payable, all such payments to be made for the period between the date of death and four hundred weeks after the date of accident to the employe, or until the intervening termination of dependency, but in no case to exceed the maximum sum of fourteen thousand dollars.

(3) (a) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employe is proportionate to total dependency, and all such payments to be made for the period between the date of death and four hundred weeks after the date of the accident to the deceased employe, or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of fourteen thousand dollars.

(b) Partial dependency shall be determined by the proportion that the amount contributed by the deceased employe bears to the total income of the dependent during one year next preceding the date of injury; if the relation of partial dependency did not exist for one year next preceding the date of injury, the the board shall consider all the facts and circumstances and fix such proportion as is fair and reasonable thereunder.

(4) All relations of dependency referred to in this section shall mean dependency existing at the time of the accident to the employe.

(5) If death occurs as a result of the injury after a period of total or partial disability the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death by this section.

Section 9. Section 342.075 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following persons shall be presumed to be wholly dependent upon a deceased employe:

(a) A wife upon a husband whom she had not voluntarily abandoned at the time of the accident, or who having been abandoned by her husband has not engaged in such conduct since his abandonment as would at common law constitute grounds justifying the abandonment of such wife by her husband;

(b) A husband incapacitated from wage-earning, upon a wife whom he has not voluntarily abandoned at the time of the accident to the wife; and

(c) A child or children under the age of sixteen years, or over sixteen years if incapacitated from wage-earning, upon the parent with whom such child or children are living, or by whom actually supported, or from whom support is legally required, at the time of the accident.

(2) In all other cases the relation of dependency in whole or in part shall be determined in accordance with the facts of each case existing at the time of the accident.

(3) No person shall be considered a dependent in any degree unless he is living in the household of the employe at the time of the accident, or unless such person bears to the employe the relation of father, mother, husband or wife, father-in-law or mother-in-law, grandfather or grandmother, child or grand child, or brother or sister of the whole or half blood.

Section 10. Section 342.095 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the injury causes total disability for work, the employer, during such disability, shall pay the employe a weekly compensation equal to seventy-five percent of his average weekly earnings, not to exceed thirty-five dollars nor less than fifteen dollars per week, such payments to be made during the period of total disability but not longer than ten years after the date of the injury nor in any case to exceed a maximum sum of fifteen thousand dollars. If the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of ten years during which

compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of fifteen thousand dollars.

(2) In case of the following injuries the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes.

(b) The loss of both feet at or above the ankle.

(c) The loss of both hands at or above the wrist.

(d) A similar loss of one hand and one foot.

(e) A similar loss of one hand and one eye.

(f) A similar loss of one foot and one eye.

(g) An injury to the spine, resulting in permanent and complete paralysis of both arms or both legs, or of one arm and one leg.

(h) An injury to the skull resulting in incurable insanity or imbecility.

(3) The enumeration in subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability.

Section 11. Section 342.100 of the Kentucky Revised Statutes is amended to read as follows:

In case of an injury resulting in temporary partial disability, the employe shall receive during such disability, a weekly compensation equal to seventy-five percent of the difference between his average weekly earnings before the injury and the average weekly earnings that he earns or is able to earn, in some suitable employment after the injury and during such disability, not to exceed four hundred and fifty weeks from the date of injury, nor exceeding the sum of thirty-five dollars per week nor the maximum sum of fourteen thousand dollars. If partial disabiilty follows a period of total disability, the period of total disability shall be deducted from the maximum period allowed for partial disability.

Section 12. Section 342.105 of the Kentucky Revised Statutes is amended to read as follows:

For injuries enumerated in the following schedule the employe shall receive, in addition to temporary total disability compensation for the period of actual total disability, not exceeding twenty-five weeks, a weekly compensation equal to seventy-five percent of his average weekly earnings, but not less than fifteen dollars per week nor exceeding thirty-five dollars per week for the periods stated thereon.

(1) For the loss of a thumb, seventy-five percent of the average weekly wages during seventy weeks.

(2) For the loss of a first finger, commonly called the index finger, seventy-five percent of the average weekly wages during fifty-five weeks.

(3) For the loss of a second finger, seventy-five percent of the average weekly wages during forty weeks.

(4) For the loss of a third finger, seventy-five percent of the average weekly wages during thirty weeks.

(5) For the loss of a fourth finger, commonly known as the little finger, seventy-five percent of the average weekly wages during twenty-five weeks.

(6) The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of the thumb; the loss of more than one-half of the thumb shall be considered equal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange of any finger, shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of any part or all of the middle, or second phalange, of any finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phalanges of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(10) For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or fingers above add fifteen weeks to the number of weeks as above.

(11) For ankylosis (total stiffness of) or contractures (due to sears or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers or thumb as given above.

(12) For the loss of a hand, seventy-five percent of the average weekly wages during two hundred weeks.

(13) For the loss of an arm, seventy-five percent of the average weekly wages during two hundred and fifty weeks.

(14) For the loss of one of the toes, other than the great toe, seventy-five percent of the average weekly wages during twenty weeks.

(15) For the loss of the great toe, seventy-five percent of the average weekly wages during forty weeks.

(16) The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, seventy-five percent of the average weekly wages during one hundred and seventy-five weeks.

(19) For the loss of a leg, seventy-five percent of the average weekly wages during two hundred and fifty weeks.

(20) For the total and permanent loss of the sight of an eye, seventy-five percent of the average weekly wages during one hundred and fifty weeks, plus an additional thirty weeks in cases where the eye ball is enucleated.

(21) For the total and permanent loss of hearing in one ear, seventy-five percent of the average weekly wages during one hundred weeks.

(22) Where the injuries to the members referred to in subsections (12), (13), (18) and (19), of this section do not require the amputation of the specific member, the permanent

disability awarded shall be applied to the body as a whole, but in no event shall the total compensation for an injury to a member be less than that provided for in said subsections when computed on the basis of permanent partial disability to a member.

Section 13. Section 342.110 of the Kentucky Revised Statutes is amended to read as follows:

In all other cases of permanent partial disability, including any disfigurement or loss or impairment of speech, which will impair the future usefulness or occupational opportunities of the injured employe, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and age at the time of injury; provided further that the provisions of this section dealing with procedure in such cases, shall apply to all cases of loss or impairment of speech pending before the Workmen's Compensation Board in which no final award has been made by the board at the time the provisions of this section become effective.

The compensation paid therefor shall be seventy-five percent of the average weekly earnings of the employe, but not less than fifteen dollars nor more than thirty-five dollars multiplied by the percentage of disability caused by the injury, for such period as the board determines, not exceeding four hundred and fifty weeks nor a maximum of fourteen thousand dollars. Compensation payable under this section shall not be affected by the earnings of the employe after the accident, whether they be the same, or greater, or less than prior to the accident. Whenever the weekly payments under this section would be less than fifteen dollars per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 is paid under any other provision of this chapter, the period during which such other compensation is paid shall be deducted from the maximum period which may be paid under this section.

Section 14. Section 342.111 of the Kentucky Revised Statutes is amended to read as follows:

(1) When an employe, who has been awarded disability compensation by the Workmen's Compensation Board, shall die as a result of such injury prior to the payment to him of the amount of the award, then the dependents of the deceased employe shall be allowed and paid all allowed and unpaid awards made to such employe. Provided, however, that the dependents of such deceased employe shall, within six months after the death of such employe, file with the Workmen's Compensation Board, in such form as the board may require, a written verified application, stating therein the date of the death of such deceased employe; the amount of such allowed and uncollected award; the name, age, post-office address, and the relation of each of said dependents to the deceased. Thereupon the Workmen's Compensation Board shall notify in writing the company, person or insurance carrier against whom such award was made; and shall fix a time and place for a hearing, of which notice shall be given, to determine the dependency of those making such claim; and shall make an award or order for the benefit of those found to be entitled thereto. Provided, however, that the number of weekly payments to be paid to the dependents shall be the number of weeks remaining after deducting the number of weekly payments made to the decedent from the number of weeks allowed in the original award.

(2) The total amount paid and payable to the decedent and his dependents shall not exceed the amount now payable for death at the average weekly wage of the decedent at the time of his injury, and the weekly payments to the dependents shall not exceed the sum of thirty-five dollars a week.

Section 15. Section 342.185 of the Kentucky Revised Statutes is amended to read as follows:

No proceeding under this chapter for compensation for an injury or death shall be maintained unless a notice of the accident shall have been given to the employer as soon as practicable after the happening thereof and unless a claim for compensation with respect to such injury shall have been made within two years after the date of the accident, or in case of death, within two years after such death, whether or not a claim has been made by the employe himself for compensation, except as pro-

vided in KRS 342.265 and KRS 342.270. Such notice and such claim may be given or made by any person claiming to be entitled to compensation or by someone in his behalf. If payments of compensation as such have been made voluntarily the making of a claim within such period shall not be required, but shall become requisite within two years following the suspension of such voluntary payments. In cases of the disease of silicosis, caused by the inhalation of silica dust, no application for compensation shall be considered unless notice is given and claim is made within three years after the last injurious exposure to silica dust.

Section 16. Section 342.265 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the employe and employer reach an agreement conforming to the provisions of this chapter in regard to compensation, a memorandum of the agreement must be filed with the board, and, if approved by it, shall be enforceable as is herein provided for the enforcement of awards of the board. Nothing herein shall prevent the voluntary payment of compensation in the amounts and for the periods prescribed in this chapter without formal agreement, but nothing shall operate as a final settlement except a memorandum of agreement filed with and approved by the board in accordance with this section. A medical report by one or more physicians describing the nature and extent of the employe's injuries and estimating the extent and duration of his disability must be filed with all final settlement agreements filed with the board. The board shall not approve any memorandum of agreement providing for the payment of compensation for a percentage of disability less than the percentage of disability set out in the doctor's report.

(2) Whenever an employer and employe execute any memorandum of agreement as to compensation payable under this chapter, the employer must furnish to the employe an executed copy of said memorandum of agreement, and it is mandatory that any memorandum of agreement entered into by an employer and employe must be filed with the board for its approval. Where payments of compensation are made by an employer or insurance carrier under the terms of a memorandum of agree-

ment, but no memorandum of agreement is filed with and approved by the board, the provisions of KRS 342.185 and KRS 342.270 shall not prohibit an injured employe from filing his written application for adjustment, or motion to reopen under the provisions of KRS 342.125, at any time within the compensable period.

Section 17. That section 342.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the parties fail to reach an agreement in regard to compensation under this chapter, or if they have previously filed such an agreement with the board and compensation has been paid or is due in accordance therewith and the parties thereafter disagree, either party may make written application to the board for a hearing in regard to the matter at issue and for a ruling thereon. Such application must be filed within two years after the accident, or, in case of death, within two years after such death or within two years after the cessation of voluntary payments, if any have been made. Provided, however, that if the parties have in good faith entered into negotiations in an effort to reach an agreement, but have thereafter disagreed, such an application may be filed within two years after the disagreement, even though such disagreement occurred more than two years after the accident, or death, or cessation of voluntary payments.

(2) As soon as possible after the application has been received the board shall set the date for a hearing, to be held as soon as is practicable in view of the matter involved, and shall notify the parties at issue of the time and place of such hearing.

(3) Unless otherwise agreed to by the parties and authorized by the board, the hearing shall be held at or convenient to the place where the injury was sustained or the ground for disagreement occurred. Before directing a hearing, the board, or a member thereof or referee authorized by the board, may confer informally with the parties at issue in an attempt to assist in adjusting their differences, but may not delay the granting of a hearing, over the objection of either party, for such purpose.

Section 18. (1) The procedure with respect to the giving of notice of disability or death, and as to the filing of claims

and determination thereof in occupational disease cases and the compensation and medical benefits payable for disability or death due to such disease shall be the same as in cases of accidental injury or death under the general provisions of the Workmen's Compensation Law; except that notice of disability shall be given to the employer as soon as practicable after the employe has knowledge that he has contracted such occupational disease or after the diagnosis by a licensed physician that the employe has contracted such occupational disease.

(2) Unless a claim is filed with the Workmen's Compensation Board within three years after the employe has knowledge that he has contracted such occupational disease or after the diagnosis by a licensed physician all rights to compensation for disability or death from the occupational disease shall be forever barred; provided, however, that notice of such claim shall be deemed waived in case of disability or death where the employer or his insurance carrier voluntary makes payment therefor, or, if the incurrence of the disease or the death of the employe, and its cause was known to the employer, and provided further, that where compensation has been paid or awarded for disability or death from an occupational disease and the payments have been discontinued, the claim for further compensation must be made within one year after the last payment of compensation.

(3) "Occupational Disease" means a disease arising out of or in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where such diseases follow as an accident of an occupational disease as defined in this section.

(a) A disease shall be deemed to arise out of the employment only if there is apparent to the rational mind, upon consideration of all the circumstances, a direct casual connection between the conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment and which can be fairly traced to the employment as the proximate cause, and which does not come from a hazard to which workmen would have been equally exposed outside of the employment.

The disease must be incidental to the character of the business and not independent of the relation of employer and employe. The disease need not have been foreseen or expected but, after its contraction, it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

(b) "Injurious exposure" and "harmful quantities", where used in this Act, shall be construed as synonymous terms and shall mean that concentration of toxic material which would, independently of any other cause whatsoever, produce or cause the disease for which claim is made.

(4) Whenever any claimant misconceives his remedy and files an application for adjustment of claim under the general provisions of this chapter and it is subseqpently discovered, at any time before the final disposition of such cause, that the claim for injury, disability or death which was the basis for such application should properly have been made under the provisions of this section, then the application so filed may be amended in form or substance or both to assert a claim for such injury, disability or death under the provisions of this section, and it shall be deemed to have been so filed as amended on the date of the original filing thereof, and such compensation may be awarded as is warranted by the whole evidence pursuant to the provisions of this Act. When such amendment is submitted, further or additional evidence may be heard by the Board when deemed necessary. Nothing this section contains shall be construed to be or permit a waiver of any of the provisions of this Act with reference to notice or time for filing a claim, but notice of filing of a claim, if given or done, shall be deemed to be a notice of filing of a claim under the provisions of this Act, if given or done within the time required herein.

Section 19. Section 342.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) All fees of attorneys and physicians, and all charges of hospitals under this chapter, shall be subject to the approval of the board. No attorney fees shall be allowed or approved against any party not represented by said attorney, nor shall any attorney fee be allowed or approved exceeding an amount equal to

20% of the amount recovered. The board may reduce an attorney's fee to an amount commensurate with the services performed, or may deny or reduce an attorney's fee upon proof of solicitation.

(2) The entire attorney's fee in a lump sum shall be paid directly to the attorney of record, and the board in allowing or approving an attorney's fee, as provided in this section, shall order the payment of same directly to the attorney, commuting sufficient of the final payments of compensation payable under the award to a lump sum for that purpose.

Section 20. Section 342.395 of the Kentucky Revised Statutes is amended to read as follows:

In the event an employer elects to operate under this chapter, then every employe of such employer, as a part of his contract for hiring or who may be employed at the time of the acceptance of the provisions of this chapter by such employer, shall be deemed to have accepted all the provisions of this chapter, including the provisions of sections 342.015, 342.190 and 342.316, with respect to the disease of silicosis and section 18 of this Act with respect to occupational diseases, and shall be bound thereby unless he shall have filed prior to the injury, a written notice to the contrary with the employer. Until such notice to the contrary is so given to the employer, the measure of liability of such employer shall be determined according to the compensation provisions of this chapter. Any such employe may, without prejudice to any existing right or claim, withdraw his election to reject this chapter by filing with the employer a written notice of withdrawal, stating the date when the withdrawal is to become effective. Following the filing of such notice, the status of the party withdrawing shall become the same as if the former election to reject this chapter had not been made, except that withdrawal shall not be effective as to any injury sustained less than one week after the notice is filed.

With Committee Substitute attached thereto as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 342.005 of the Kentucky Revised Statutes is amended to read as follows:

(1) This chapter shall apply to all employers having three or more employes regularly engaged in the same occupation or business, and to their employes, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States; provided, however, it shall apply to the operators of threshing machines used in threshing or hulling grain or seeds. It shall affect the liability of the employers subject thereto to their employes for a personal injury sustained by the employe by accident arising out of and in the course of his employment, or for death resulting from such accidental injury; provided, however, that "personal injury by accident" shall include occupational diseases as defined in KRS 342.317 and shall also include diseases which are the natural and direct result of a traumatic injury by accident, and shall also include injury or death due to inhalation in mines of noxious gases or smoke, commonly known as "bad air," and shall also include injuries or death due to the inhalation of any kind of gas.

(2) Any employers and employes who are by the provisions of this section excepted from the provisions of this chapter, including employers having less than three employes, may subject themselves thereto by joint, voluntary application to the board, in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the board or the employment be terminated.

Section 2. Section 342.015 of the Kentucky Revised Statutes is amended to read as follows:

(1) Where at the time of the injury both employer and employe have elected to furnish or accept compensation under the provisions of this chapter for a personal injury, received by an employe by accident and arising out of and in the course of his employment, or for death resulting from such injury, the employer shall be liable to provide and pay compensation under the provisions of this chapter and shall, except as provided in subsection (2) of this section and in KRS 342.170, be released from all other liability.

(2) If injury or death results to an employe through the

deliberate intention of his employer to produce such injury or death, the employe or his dependent as herein defined shall receive the amount provided in this chapter in a lump sum to be used, if desired, to prosecute the employer. The dependents may bring suit against the employer for any amount they desire. If injury or death results to an employe through the deliberate intention of his employer to produce such injury or death, the employe or his dependents may take under this chapter, or in lieu thereof, have a cause of action at law against the employer as if this chapter had not been passed, for such damage so sustained by the employe, his dependents or personal representatives as is recoverable at law. If a suit is brought under this section, all right to compensation under this chapter shall thereby be waived as to all persons. If a claim is made for the payment of compensation or any other benefit provided by this chapter, all rights to sue the employer for damages on account of such injury or death shall be waived as to all persons.

(3) No employe or dependent of any employe may receive compensation on account of any injury to or death of an employe caused by a willful, self-inflicted injury, or willful misconduct of such employe.

(4) "Willful misconduct" as used in this section when relating to the disease of siilcosis caused by the inhalation of silica dust, shall include:

(a) Failure or omission on the part of an employe to observe rules and recommendations adopted by the employer and approved by the Workmen's Compensation Board and kept posted in a conspicuous place in and about the plant;

(b) Fraudulent failure or omission on the part of an employe truthfully to state to the best of his knowledge in answer to inquiry made by the employer the place, duration, and nature of previous employment;

(c) Fraudulent failure and omission on the part of an employe truthfully to furnish to the best of his knowledge in answer to an inquiry made by the employer full information about the previous status of his health, habits, and medical attention that he or his blood relatives may have received;

Failure to submit to medical examination to determine his physical condition with reference to the disease of silicosis when ordered by the board, or evasion or obstruction of such examination.

Section 3. Section 342.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to all other compensation provided under the Workmen's Compensation Law, the employer shall pay the expense for the cure and relief from the effects of an injury to an employe, such medical, surgical, and hospital treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, but not exceeding a total expense to the employer of more than twenty-five hundred dollars. The injured employe may select the doctor or doctors to treat his injury and the hospital or hospitals in which his injury shall be treated. The board, in its discretion, may apportion payments to be made under this section between hospitals and physicians in cases where their aggregate fees and charges would exceed the maximum for which the employer is liable.

(2) As used in this Act, the words "Doctor," "Physician" and "Surgeon" shall be construed to mean and include all duly licensed and practicing doctors of medicine and osteopathy who have been licensed in their profession under the laws of any state.

(3) Where a compensable injury results in the amputation of an arm, hand, leg or foot, or the loss of hearing, or the enucleation of an eye, or the loss of natural teeth, the employer shall initially pay for in addition to other medical, surgical and hospital treatment enumerated in subsection (1) of this section, a modern artificial member, and where required, proper braces, an in addition the employer shall pay for, repair, or replace, any artificial member, eye or teeth, or eye-glasses, which may be damaged or destroyed by an accident for which compensation is payable, but the employer's liability for such artificial members or braces shall not, including his liability for medical, surgical and hospital treatment, exceed twenty-five hundred dollars.

Section 4. Section 342.021 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever an employe receives a personal injury which is or may be compensated under the Workmen's Compensation Law and said employe is examined or treated for such injury by a doctor or physician selected by the employer, the employer shall cause to be furnished to the employe, if requested by him, and to the board, if required by it, immediately following said examination or treatment a copy of the report of the doctor or physician showing the nature and condition and effect of the employes' injury. Upon any future examination or examinations by a doctor or physician selected by the employer, the employer shall cause to be furnished to the employe, if requested by him, and to the board, if required by it, immediately following such examination copies of the reports thereof containing the information mentioned above.

(2) If the employe should be examined or treated by any doctor of his own choosing, the employe shall, immediately following said examination, cause a copy of the report thereof to be furnished to his employer or to the board, if required by either.

Section 5. Subsection (1) of Section 342.030 of the Kentucky Revised Statutes is hereby repealed.

Section 6. Section 342.035 of the Kentucky Revised Statutes is amended to read as follows:

(1) All fees and charges under KRS 342.020 shall be fair and reasonable, shall be subject to regulation by the board and shall be limited to such charges as are reasonable for similar treatment of injured persons of a like standard of living in the same community and where such treatment is paid for by the injured person himself. In determining what fees are reasonable, the board may also consider the increased security of payment afforded by this chapter.

(2) Where such requirements are furnished by a public hospital or other institution, payment thereof shall be made to the proper authorities conducting it. No compensation shall be payable for the death or disability of the employe, if his death is caused, or if in so far as his disability is aggravated, caused or

continued, by an unreasonable failure to submit or follow any competent surgical treatment or medical aid or advice.

Section 7. Section 342.070 of the Kentucky Revised Statutes is amended to read as follows:

If death should result from an accident for which compensation is payable under this chapter, the employer or his insurer shall pay to the person entitled to compensation, or, if none, then to the personal representative of the deceased employe, reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of five hundred dollars and shall also pay to or for the following persons compensation as follows:

(1) If there are no dependents there shall be paid, in addition to the burial expenses and medical expenses, if any, the further sum of two hundred dollars, payment to be made to the personal representative of the deceased employe.

(2) If there are one or more wholly dependent persons, sixty-five percent of the average weekly earnings of the deceased employe, but not to exceed twenty-seven dollars and fifty cents nor less than ten dollars per week shall be payable, all such payments to be made for the period between the date of death and four hundred weeks after the date of accident to the employe, or until the intervening termination of dependency, but in no case to exceed the maximum sum of eleven thousand dollars.

(3) (a) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employe is proportionate to total dependency, and all such payments to be made for the period between the date of death and four hundred weeks after the date of the accident to the deceased employe, or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of eleven thousand dollars.

(b) Partial dependency shall be determined by the proportion that the amount contributed by the deceased employe bears to the total income of the dependent during one year next pre-

ceding the date of injury; if the relation of partial dependency did not exist for one year next preceding the date of injury, the board shall consider all the facts and circumstances and fix such proportion as is fair and reasonable thereunder.

(4) All relations of dependency referred to in this section shall mean dependency existing at the time of the accident to the employe.

(5) If death occurs as a result of the injury after a period of total or partial disability the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death by this section.

Section 8. Section 342.075 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following persons shall be presumed to be wholly dependent upon a deceased employe:

(a) A wife upon a husband whom she had not voluntarily abandoned at the time of the accident, or who having been abandoned by her husband has not engaged in such conduct since his abandonment as would at common law constitute grounds justifying the abandonment of such wife by her husband;

(b) A husband incapacitated from wage-earning, upon a wife whom he has not voluntarily abandoned at the time of the accident to the wife; and

(c) A child or children under the age of sixteen years, or over sixteen years if incapacitated from wage-earning, upon the parent with whom such child or children are living, or by whom actually supported, or from whom support is legally required, at the time of the accident.

(2) In all other cases the relation of dependency in whole or in part shall be determined in accordance with the facts of each case existing at the time of the accident.

(3) No person shall be considered a dependent in any degree unless he is living in the household of the employe at the time of the accident, or unless such person bears to the employe

the relation of father, mother, husband or wife, father-in-law or mother-in-law, grandfather or grandmother, child or grandchild, or brother or sister of the whole or half blood.

Section 9. Secion 342.095 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the injury causes total disability for work, the employer, during such disability, shall pay the employe a weekly compensation equal to sixty-five percent of his average weekly earnings, not to exceed twenty-eight dollars and fifty cents nor less than ten dollars per week, such payments to be made during the period of total disability but not longer than ten years after the date of the injury nor in any case to exceed a maximum sum of thirteen thousand dollars. If the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of ten years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of thirteen thousand dollars.

(2) In case of the following injuries the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes;

(b) The loss of both feet at or above the ankle;

(c) The loss of both hands at or above the wrist;

(d) A similar loss of one hand and one foot;

(e) A similar loss of one hand and one eye;

(f) A similar loss of one foot and one eye;

(g) An injury to the spine, resulting in permanent and complete paralysis of both arms or both legs, or of one arm and one leg;

(h) An injury to the skull resulting in incurable insanity or imbecility.

(3) The enumeration in subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant

to prove that his injuries have resulted in permanent total disability.

Section 10. Section 342.100 of the Kentucky Revised Statutes is amended to read as follows:

In case of an injury resulting in temporary partial disabiilty, the employe shall receive during such disability, a weekly compensation equal to sixty-five percent of the difference between his average weekly earnings before the injury and the average weekly earnings that he earns or is able to earn, in some suitable employment after the injury and during such disability, not to exceed four hundred and fifty weeks from the date of injury, nor exceeding the sum of twenty-eight dollars and fifty cents per week nor the maximum sum of twelve thousand dollars. If partial disability follows a period of total disability, the period of total disability shall be deducted from the maximum period allowed for partial disability.

Section 11. Section 342.105 of the Kentucky Revised Statutes is amended to read as follows:

For injuries enumerated in the following schedule the employe shall receive, in addition to temporary total disability compensation for the period of actual total disability, not exceeding twenty weeks, a weekly compensation equal to sixty-five percent of his average weekly earnings, but not less than ten dollars per week nor exceeding twenty-eight dollars and fifty cents per week for the periods stated thereon.

(1) For the loss of a thumb, sixty-five percent of the average weekly wages during sixty weeks.

(2) For the loss of a first finger, commonly called the index finger, sixty-five percent of the average weekly wages during forty-five weeks.

(3) For the loss of a second finger, sixty-five percent of the average weekly wages during thirty weeks.

(4) For the loss of a third finger sixty-five percent of the average weekly wages during twenty weeks.

(5) For the loss of a fourth finger, commonly known as the

little finger, sixty-five percent of the average weekly wages during fifteen weeks.

(6) The loss of the second, or distal phalange of the thumb shall be considered to be equal to the loss of one-half of the thumb; the loss of more than one-half of the thumb shall be considered equal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange of any finger, shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of any part or all of the middle, or second phalange, of any finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phalanges of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the the loss of a hand.

(10) For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or fingers above add ten weeks to the number of weeks as above.

(11) For ankylosis (total stiffness of) contractures (due to sears or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers or thumb as given above.

(12) For the loss of a hand, sixty-five percent of the average weekly wages during one hundred and fifty weeks.

(13) For the loss of an arm, sixty-five percent of the average weekly wages during two hundred weeks.

(14) For the loss of one of the toes, other than the great toe, sixty-five percent of the average weekly wages during ten weeks.

(15) For the loss of the great toe, sixty-five percent of the average weekly wages during thirty weeks.

(16) The loss of more than two-thirds of any toes shall be considered to be equal to the loss of the whole toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, sixty-five percent of the average weekly wages during one hundred and twenty-five weeks.

(19) For the loss of a leg, sixty-five percent of the average weekly wages during two hundred weeks.

(20) For the total and permanent loss of the sight of an eye, sixty-five percent of the average weekly wages during one hundred weeks, plus an additional twenty weeks in cases where the eye ball is enucleated.

(21) For the total and permanent loss of hearing in one ear, sixty-five percent of the average weekly wages during seventy-five weeks.

(22) Where the injuries to the members referred to in subsections (12), (13), (18) and (19), of this section do not require the amputation of the specific member, the permanent disability awarded shall be applied to the body as a whole, but in no event shall the total compensation for an injury to a member be less than that provided for in said subsections when computed on the basis of permanent partial disability to a member.

Section 12. Section 342.110 of the Kentucky Statutes is amended to read as follows:

In all other cases of permant partial disability, including any disfigurement or loss or impairment of speech, which will impair the future usefulness or occupational opportunities of the injured employe, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and age at the time of injury; provided further that the provisions of this section dealing with procedure in such cases, shall apply to all cases of loss or impairment of speech pending before the Workmen's Compensation Board in which no final award has been made by the board at the time the provisions of this section become effective.

The compensation paid therefor shall be sixty-five percent

of the average weekly earnings of the employe, but not less than ten dollars nor more than twenty-eight dollars and fifty cents multiplied by the percentage of disability caused by the injury, for such period as the board determines not exceeding four hundred and fifty weeks nor a maximum of twelve thousand dollars. Compensation payable under this section shall not be affected by the earnings of the employe after the accident, whether they be the same, or greater, or less than prior to the accident. Whenever the weekly payments under this section would be less than ten dollars per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 is paid under any other provision of this chapter, the period during which such other compensation is paid shall be deducted from the maximum period which may be paid under this section.

Section 13. Section 342.111 of the Kentucky Revised Statutes is amended to read as follows:

(1) When an employe, who has been awarded disability compensation by the Workmen's Compensation Board, shall die as a result of such injury prior to the payment to him of the amount of the award, then the dependents of the deceased employe shall be allowed and paid all allowed and unpaid awards made to such employe. Provided, however, that the dependents of such deceased employe shall, within six months after the death of such employe, file with the Workmen's Compensation Board, in such form as the board may require a written verified application, stating therein the date of the death of such deceased employe; the amount of such allowed and uncollected award; the name, age, post-office address, and the relation of each of said dependents to the deceased. Thereupon the Workmen's Compensation Board shall notify in writing the company, person or insurance carrier against who such award was made; and shall fix a time and place for a hearing, of which notice shall be given, to determine the dependency of those making such claim; and shall make an award or order for the benefit of those found to be entitled thereto. Provided, however, that the number of weekly payments to be paid to the dependents shall be the number of weeks remaining after deducting the number of

weekly payments made to the decedent from the number of weeks allowed in the original award.

(2) The total amount paid and payable to the decedent and his dependents shall not exceed the amount now payable for death at the average weekly wage of the decedent at the time of his injury, and the weekly payments to the dependents shall not exceed the sum of twenty-eight dollars and fifty cents a week.

Section 14. Section 342.185 of the Kentucky Revised Statutes is amended to read as follows:

No proceeding under this chapter for compensation for an injury or death shall be maintained unless a notice of the accident shall have been given to the employer as soon as practicable after the happening thereof and unless a claim for compensation with respect to such injury shall have been made within two years after the date of the accident, or in case of death, within two years after such death, whether or not a claim has been made by the employe himself for compensation, except as provided in KRS 342.265 and KRS 342.270. Such notice and such claim may be given or made by any person claiming to be entitled to compensation or by someone in his behalf. If payments of compensations as such have been made voluntarily the making of a claim within such period shall not be required, but shall become requisite within two years following the suspension of such voluntary payments. In cases of the disease of silicosis, caused by the inhalation of silica dust, no application for compensation shall be considered unless notice is given and claim is made within three years after the last injurious exposure to silica dust.

Section 15. Section 342.265 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the employe and employer reach an agreement conforming to the provisions of this chapter in regard to compensation, a memorandum of the agreement shall be filed with the board, and, if approved by it, shall be enforceable as is herein provided for the enforcement of awards of the board. Nothing herein shall prevent the voluntary payment of compensation in the amounts and for the periods prescribed in this chapter without formal agreement, but nothing shall operate as a final settle-

ment except a memorandum of agreement filed with and approved by the board in accordance with this section. A medical report by one or more physicians describing the nature and extent of the employe's injuries and estimating the extent and duration of his disability must be filed with all final settlement agreements filed with the board.

(2) Whenever an employer and employe execute any memorandum of agreement as to compensation payable under this chapter, the employer must furnish to the employe an executed copy of said memorandum of agreement, and it is mandatory that any memorandum of agreement entered into by an employer and employe must be filed with the board for its approval. Where payments of compensation are made by an employer or insurance carrier under the terms of a memorandum of agreement, but no memorandum of agreement is filed with and approved by the board, the provisions of KRS 342.185 and KRS 342.270 shall not prohibit an injured employe from filing his written application for adjustment, or motion to reopen under the provisions of KRS 342.125, at any time within the compensable period.

Section 16. That section 342.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the parties fail to reach an agreement in regard to compensation under this chapter, or if they have previously filed such an agreement with the board and compensation has been paid or is due in accordance therewith and the parties thereafter disagree, either party may make written application to the board for a hearing in regard to the matter at issue and for a ruling thereon. Such application must be filed within two years after the accident, or in case of death, within two years after such death or within two years after the cessation of voluntary payments, if any have been made.

(2) As soon as possible after the application has been received the board shall set the date for a hearing, to be held as soon as is practicable in view of the matter involved, and shall notify the parties at issue of the time and place of such hearing.

(3) Unless otherwise agreed to by the parties and authorized by the board, the hearing shall be held at or convenient to

the place where the injury was sustained or the ground for disagreement occurred. Before directing a hearing, the board, or a member thereof or referee authorized by the board, may confer informally with the parties at issue in an attempt to assist in adjusting their differences, but may not delay the granting of a hearing, over the objection of either party, for such purpose.

Section 17. (1) The procedure with respect to the giving of notice of disability or death, and as to the filing of claims and determination thereof in occupational disease cases and the compensation and medical benefits payable for disability or death due to such disease shall be the same as in cases of accidental injury or death under the general provisions of the Workmen's Compensation Law; except that notice of disability shall be given to the employer as soon as practicable after the employe has knowledge that he has contracted such occupational disease or after the diagnosis by a licensed physician that the employe has contracted such occupational disease.

(2) Unless a claim is filed with the Workmen's Compensation Board within three years after the employe has knowledge that he has contracted such occupational disease or after the diagnosis by a licensed physician all rights to compensation for disability or death from the occupational disease shall be forever barred; provided, however, that notice of such claim shall be deemed waived in case of disability or death where the employer or his insurance carrier voluntary makes payment therefor, or, if the incurrence of the disease or the death of the employe, and its cause was known to the employer, and provided further, that where compensation has been paid or awarded for disability or death from an occupational disease and the payments have been discontinued, the claim for further compensation must be made within one year after the last payment of compensation.

(3) "Occupational Disease" means a disease arising out of or in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where such diseases follow as an incident of an occupational disease as defined in this section.

(a) A disease shall be deemed to arise out of the employment only if there is apparent to the rational mind, upon consid-

eration of all the circumstances, a direct casual connection between the conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment and which can be fairly traced to the employment as the proximate cause, and which does not come from a hazard to which workmen would have been equally exposed outside of the employment. The disease must be incidental to the character of the business and not independent of the relation of employer and employe. The disease need not have been foreseen or expected but, after its contraction, it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

(b) "Injurious exposure" and "harmful quantities", where used in this Act, shall be construed as synonymous terms and shall mean that concentration of toxic material which would, independently of any other cause whatsoever, produce or cause the disease for which claim is made.

(4) Whenever any claimant misconceives his remedy and files an application for adjustment of claim under the general provisions of this chapter and it is subsequently discovered, at any time before the final disposition of such cause, that the claim for injury, disability or death which was the basis for such application should properly have been made under the provisions of this section, then the application so filed may be amended in form or substance or both to assert a claim for such injury, disability or death under the provisions of this section, and it shall be deemed to have been so filed as amended on the date of the date of the original filing thereof, and such compensation may be awarded as is warranted by the whole evidence pursuant to the provisions of this Act. When such amendment is submitted, further or additional evidence may be heard by the Board when deemed necessary. Nothing this section contains shall be construed to be or permit a waiver of any of the provisions of this Act wtih reference to notice or time for filing a claim, but notice of filing of a claim, if given or done, shall be deemed to be a notice of filing of a claim under the provisions of this Act, if given or done within the time required herein.

Section 18. Section 342.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) All fees of attorneys and physicians, and all charges of hospitals under this chapter, shall be subject to the approval of the board. No attorney fees shall be allowed or approved against any party not represented by said attorney, nor shall any attorney fee be allowed or approved exceeding an amount equal to twenty percent of the amount recovered. The board may reduce an attorney's fee to an amount commensurate with the services performed, or may deny or reduce an attorney's fee upon proof of solicitation.

(2) The entire attorney's fee in a lump sum shall be paid directly to the attorney of record, and the board in allowing or approving an attorney's fee, as provided in this section, shall order the payment of same directly to the attorney, commuting sufficient of the final payments of compensation payable under the award to a lump sum for that purpose.

Section 19. Section 342.395 of the Kentucky Revised Statutes is amended to read as follows:

In the event an employer elects to operate under this chapter, then every employe of such employer, as a part of his contract for hiring or who may be employed at the time of the acceptance of the provisions of this chapter by such employer, shall be deemed to have accepted all the proviisons of this chapter, including the provisions of Sections 342.015, 342.190 and 342.316, with respect to the disease of silicosis and Section 18 of this Act with respect to occupational diseases, and shall be bound thereby unless he shall have filed prior to the injury, a written notice to the contrary with the employer. Until such notice to the contrary is so given to the employer, the measure of liability of such employer shall be determined according to the compensation provisions of this chapter. Any such employe may, without prejudice to any existing right or claim, withdraw his election to reject this chapter by filing with the employer a written notice of withdrawal, stating the date when the withdrawal is to become effective. Following the filing of such notice, the status of the party withdrawing shall become the same as if the former election to reject this chapter had not been made, except that with-

drawal shall not be effective as to any injury sustained less than one week after the notice is filed.

Mr. Lowman moved the adoption of the said Committee Substitute in lieu of H. B. No. 370.

Said motion was agreed to.

Said Committee Substitute adopted by voice vote.

Mr. Lovelace offered the following amendment and moved its adoption.

Amendment No. 1—On page 5, section 2, line 19. After word Doctors strike words "of Medicine and Osteopathy"

Said motion was agreed to.

Said amendment adopted.

Mr. Brown moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Walter J. Bailey	Charles E. Baumgardner, Sr.
	John Rhea Banton	

Leo A. Bleemel
Edward T. Breathitt, Jr.
John Young Brown
Harry M. Caudill
Cassius M. Clay
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
William L. Hadden
C. Ruby Harralson
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
William A. Routh
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
W. W. Webster
Morris Weintraub
Warren D. Williams
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young
—56

Those who voted in the negative were—

Wallace Bartley
Owen Billington
J. C. Bradley
Charles W. Buchanan
Paul Cobb
William J. Conley
Harold G. Helm
David Heskamp
Henry R. Heyburn
Varna Holt
William M. Horn
Caleb McFadden
Damon Majors
Louis T. Peniston
Paul T. Ratcliffe
Robert Reid
James Treadway
—17

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which the said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 497. AN ACT relating to the conservation, development and use of water resources.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. The conservation, development and proper use of the water resources of the Commonwealth of Kentucky has become increasingly important as a result of technological advances, agricultural production problems and varied industrial, municipal and recreational uses. Excessive rainfall at certain seasons causes damages from overflowing streams. Prolonged droughts at other seasons curtail industrial, municipal, agricultural and recreational uses of water and threaten the economic well being of the Commonwealth. The advancement of the safety, happiness and the protection of property of the people require that the power inherent in the people be utilized to promote and to regulate the conservation, development and proper use of the water resources. It is hereby declared that the general welfare requires that the water resources of the Commonwealth be put to beneficial use to the fullest extent of which they are capable, and that the waste or non-beneficial use of water be prevented, and that the conservation and beneficial use of water be exercised in the interest of the people. The proper investment of public and private funds to promote the conservation and beneficial use of water resources is recognized as being in the public interest and such investments shall be encouraged.

SECTION 2. Water occurring in any natural stream, natural lake or other natural water body in the Commonwealth which may be applied to any useful and beneficial purpose is hereby declared to be a natural resource and public water of the Commonwealth and subject to control and regulation for the public welfare. Diffused surface water which flows vagrantly over the surface of the ground shall not be regarded as public water, and the owner of the land on which such water falls or flows shall have the right to its use. Water left standing in natural pools in a natural stream when the natural flow of the stream has ceased shall not be regarded as public water and the

owners of the land contiguous to that water shall have the right to its use for their purposes.

SECTION 3. (1) The owner of land contiguous to public water shall at all times have the right to the use of water therefrom in the quantity necessary to satisfy his needs for domestic purposes, which shall include water for household purposes, drinking water for livestock, poultry and domestic animals. The use of water for such domestic purposes shall have priority and be superior to any and all other uses.

(2) The owner of land contiguous to public water shall have the right to such reasonable use of this water for other than domestic purposes as will not deny the use of such water to other owners for domestic purposes, or impair existing uses of other owners heretofore established, or unreasonably interfere with a beneficial use by other owners.

(3) An owner or group of owners of land contiguous to public water shall have the right to impound and conserve such water for their use by impounding such water behind a dam in the natural stream bed or on their land or by pumping such water from the stream or lake to a reservoir when the flow in the stream or the level of the lake is in excess of existing reasonable uses. An obstruction placed across a natural stream shall provide an outlet for the release of water which the owner is not entitled to use under this act, and the owner shall operate the outlet in accordanace with this provision.

SECTION 4. The General Assembly recognizes that many specific problems relating to water resources exist. To secure additional information on this subject the Legislative Research Commission is hereby directed to conduct a study of water resources, usage and rights and report its findings to the General Assembly at the 1956 session. All other agencies of the Commonwealth shall cooperate with the Legislative Research Commission in making this study when requested by the Commission to do so.

Mr. Brown moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
Cabell D. Francis
William L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Varna Holt
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
William A. Routh
LeRoy Saylor
Mrs. Thelma L. Stovall
E. H. Stumbo

C. Waitman Taylor	Hicks Wells	T. D. Winstead
James Treadway	William B. Wells	Charles W. Wirsch
Eulick Walsh	Warren D. Williams	Walker H. Wiseman
Will Tom Wathen	Mrs. Randolph Wilson	Paul E. Young
W. W. Webster		
Morris Weintraub		—73

Those who voted in the negative were—

Paul Cobb	James W. Lambert	—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 351. AN ACT relating to definition of places of entertainment and amending Section 231.010 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 231.010 of the Kentucky Revised Statutes is hereby amended to read as follows:

As used in this chapter, "place of entertainment" means a roadhouse, place offering intoxicating or nonintoxicating drinks for sale, tourist camp or place of public entertainment at which people assemble to eat, drink, dance, bathe or engage in any game or amusement. It shall not mean a private home at which bona fide guests are entertained, drive-in theatres, places of business conducted only as filling stations for motor vehicles or grocery stores, nor transient and temporary entertainments such as circuses, carnivals and county fairs.

Mr. Banton moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey
John Rhea Banton
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
Henry R. Heyburn
Chester J. Holsclaw
William M. Horn
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
William E. Maglinger
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
William A. Routh
E. H. Stumbo
C. Waitman Taylor
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

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Those who voted in the negative were—

Wallace Bartley	Cabell D. Francis	Paul T. Ratcliffe
Charles E. Baumgardner, Sr.	Harold G. Helm	LeRoy Saylor
Charles W. Buchanan	Lon C. Hill	Mrs. Thelma L. Stovall
Harry M. Caudill	James W. Lambert	James Treadway
Cassius M. Clay	Caleb McFadden	Eulick Walsh
Albert Dempsey	Damon Majors	
	George R. Martin	
	Eddie J. Morris	—19

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 242. AN ACT to amend and re-enact KRS 276.250 relating to the records to be kept of passenger transportation given free or at reduced rates, and the reports thereof to be made to the Attorney General.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 276.250 is hereby amended by striking out paragraph (2) of said section which is as follows:

"Every such common carrier shall, on or before March 1 of each year, file in the office of the Attorney General a statement of all free passes, free transportation and tickets at reduced rates not common to the public given or issued during the preceding calendar year. The report shall be subscribed and sworn to by the president, general passenger agent or secretary of the carrier, and when filed in the office of the Attorney-General shall constitute a public record."

Said section is hereby re-enacted so that as amended and re-enacted it shall be as follows:

"Every common carrier of passengers, within the meaning of Sec. 197 of the Constitution, shall keep an accurate record of each free pass, free transportation or ticket at reduced rate not common to the public that it has given or issued to any person other than its officers and regular employes and their immediate families. The record shall be kept on a calendar year basis. The record shall state when and to whom each free pass or free transportation was given, the nature and character of the free pass, whether it was a limited or a general pass, for what length of time it was given, and the points from which and to which it was issued. The Attorney-General shall at all times have access to such records."

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

John Rhea Banton	Cabell D. Francis	William E. Maglinger
J. Murray Blue	David Heskamp	
Edward O. Bridgers	Henry R. Heyburn	William C. Mann
Paul Cobb	Talmage Lacy	William J. Marcum
R. Josh Cosby	Shelby McCallum	Carl D. Melton

Robert K. Montgomery	Hobart Rayburn	Mrs. Randolph Wilson
Walter R. Moorman	L. M. Tipton Reed	T. D. Winstead
Eddie J. Morris	E. H. Stumbo	Paul E. Young
Louis T. Peniston	William B. Wells	

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Those who voted in the negative were—

Rev. Felix S. Anderson	John L. Day	Thomas J. Murphy
Walter J. Bailey	Albert Dempsey	Goebel W. Newsom, Jr.
Wallace Bartley	Harold Edmonds	Paul T. Ratcliffe
Charles E. Baumgardner, Sr.	Herbert Fern	Robert Reid
Owen Billington	Thomas P. Fitzpatrick	Lloyd E. Rogers
Leo A. Bleemel	William L. Hadden	William A. Routh
J. C. Bradley	C. Ruby Harralson	LeRoy Saylor
Edward T. Breathitt, Jr.	Lon C. Hill	James Treadway
John Young Brown	Estill R. Hilton	Eulick Walsh
Charles W. Buchanan	Varna Holt	Will Tom Wathen
Cassius M. Clay	William M. Horn	W. W. Webster
William J. Conley	James W. Lambert	Morris Weintraub
Vernor O. Cottengim	George H. Lovelace	Hicks Wells
W. Marvin Davis	Harry King Lowman	Charles W. Wirsch
	Caleb McFadden	Walker H. Wiseman
	Damon Majors	
	George R. Martin	

—46

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which H. B. No. 242 was rejected be reconsidered.

Said motion was agreed to by voice vote.

Mr. Lowman moved that H. B. No. 242 be recommitted to the Committee on Rules, to which it had been referred.

Said motion was agreed to by voice vote.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 407. AN ACT relating to insurance contracts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No insurance contract insuring against loss or damage through legal liability for the bodily injury or death by accident of any person, or for damage to the property of any person, shall be deemed to insure against any liability of the insured because of death, injury or destruction of the property of the wife or husband of the insured, unless a provision relating specifically thereto is included in the policy.

Mr. Helm moved that H. B. No. 407 be tabled.

Said motion was agreed to by voice vote.

Said bill was tabled.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in that body as follows, viz:

S. B. No. 194. AN ACT relating to the qualifications of challengers for elections.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That a new section of the Kentucky Revised Statutes be created to provide as follows:

Challengers in all elections shall possess the same qualifications as required of election officers and, in case of a regular or primary election, shall also be duly registered as a member of the party for which he is appointed as challenger.

S. B. No. 225. AN ACT changing the classification of the City of Wayland, in Floyd County.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Wayland, in Floyd County, is such as to justify its being classified as a city of the fourth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Wayland, in Floyd County, is transferred from the sixth to the fourth class of cities.

S. B. No. 239. AN ACT relating to the holding of elections in counties and cities of the second, third, fourth, fifth and sixth classes on the question of the issuance of bonds for the purpose of financing industrial buildings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. For the purpose of financing "industrial buildings" as defined in KRS 103.200, any county, or city of the second, third, fourth, fifth or sixth class may submit to the voters of such municipality the question of whether or not such bonds may be issued as an indebtedness of such municipality.

Section 2. Such election shall be called by ordinance or resolution duly adopted not less than fifteen nor more than thirty days prior to any general election. In the ordinance or resolution calling the election it shall be specified whether or not the indebtedness shall be payable only out of the proceeds of an annual tax levy, or whether or not it is contemplated that the indebtedness will be secured both by rental payments as provided in KRS 103.200 to KRS 103.280 and by the levy of an annual tax, to whatever extent needed to supplement the revenues, if any, received under the procedure set out in KRS 103.200 to 103.280.

Section 3. Upon the adoption of such ordinance or resolution calling the election, the municipality shall give notice of the election by the voters of the municipality to determine whether the indebtedness of the municipality shall be incurred. The notice shall specify the amount of the indebtedness proposed to be incurred, the purpose, and the maximum amount of money which will be necessary to be raised annually by taxation for an interest and sinking fund after the bonds are issued. The

notice shall be published for at least two weeks in some newspaper published in, or of general circulation in, the municipality, or by posting notices at three or more places in said municipality.

Section 4. If two-thirds of the votes cast on the question are in favor of incurring the indebtedness, the legislative body of the municipality shall by ordinance or resolution provide for the method of creating and paying the indebtedness. If the question submitted to and approved by the voters submitted only the question of whether or not the indebtedness should be incurred and paid by tax revenues, then the municipality shall proceed the same as if it were any other indebtedness authorized under the provisions of KRS 66.010 through KRS 66.070. If the question submitted to and approved by the voters provided for the issuance of bonds which would be payable both out of an annual tax levy and out of revenues derived under the procedure provided by KRS 103.200 to 103.280, then the ordinance shall follow the procedure provided in KRS 103.200 to 103.280 with the further provision in said ordinance that in the event the rentals provided under the lease authorized by said sections prove insufficient at any time to meet the principal and interest requirements on the bonds, then the municipality shall be obligated to provide for the levy and collection of sufficient taxes to provide such deficiency. In the event such combination plan is used, the bonds shall be payable primarily out of the rentals provided in the form of the lease referred to with a further pledge of the general credit of the municipality, provided the amount of bonds issued may not exceed the constitutional limits of indebtedness. In addition to the rental payments provided in the lease, the municipality may provide for an annual tax levy for the purpose of producing a reserve fund for the requirements of such bonds, or it may provide for the levy of said taxes only when and as needed to meet the requirements on said bonds.

Section 5. Bonds issued pursuant to this Act may bear interest at a rate not to exceed six percent per annum, payable either annually or semi-annually, and shall be executed in such manner and be payable at such times not exceeding forty years from date thereof and at such place or places as the ordinance or the resolution shall state.

Section 6. The bonds may provide that they or any of

them may be called for redemption prior to maturity, on interest payment dates not earlier than one year from the date of issuance of the bonds, at a price not exceeding 103 and accrued interest, under conditions fixed in the ordinance or resolution authorizing the bonds.

Section 7. Bonds issued pursuant to this Act shall be negotiable. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in such manner and upon such terms as the municipal legislative body deems best, or any contract for the acquisition of any industrial building may provide that payment shall be made in such bonds. It shall be plainly stated on the face of this bond that it has been issued under the provisions of this Act.

Section 8. All money received from the bonds shall be applied solely for the acquisition of the industrial building, and the necessary expenses of preparing, printing and selling said bonds, or to advance the payment of interest on the bonds during the first three years following the date of the bonds.

Section 9. If there is any default in the payment of principal or interest of any bond, any court having jurisdiction of the action may appoint a receiver to administer the industrial building on behalf of the municipality with power to charge and collect rents sufficient to provide for the payment of any bonds or obligations outstanding against the building, and for the payment of operating expenses, and to apply the income and revenue in conformity with this Act. Such receiver shall have the right, if he is unable to produce sufficient funds to meet the requirements of the bonds and the operating expenses out of such charges and rents, to compel the levy of whatever tax rate is necessary to supply such deficiency.

Section 10. The ordinance or resolution providing for the issuance of the bonds shall set aside and pledge the income and revenue of the industrial building and/or the proceeds of whatever annual special tax is levied and collected under this Act, into a separate and special fund to be used and applied in pay-

ment of the cost thereof and in the maintenance, operation and depreciation thereof. The ordinance or resolution shall definitely fix and determine the amount of revenue and/or tax proceeds necessary to be set apart and applied to the payment of principal and interest of the bonds, and the proportion of the balance of the income and revenue and/or tax proceeds to be set aside as a proper and adequate depreciation account, and may provide for disposition of the remaining revenue and taxes.

Section 11. The municipality may issue new bonds to provide funds for the payment of any outstanding bonds. The new bonds shall be secured to the same extent and shall have the same source of payment as the bonds refunded.

Section 12. This Act shall be deemed to create an additional and alternate method for the acquisition of industrial buildings and shall not be deemed to include, alter, amend or repeal any other statute.

S. B. No. 245. AN ACT to amend section 243.090 of the Kentucky Revised Statutes to provide for the suspension or the revocation of alcoholic beverage licenses for offenses committed prior to June 30 of each year.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 243.090 is hereby amended to read as follows:

(1) All licenses issued under K.R.S. 243.020 to 243.670 shall expire on June 30 of each year.

The renewal by the department of the certificate or permit of any alcoholic beverage licensee shall not be construed to be a waiver or condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee therefor.

S. B. No. 49. AN ACT relating to judgment on two or more convictions amending Section 288 of the Criminal Code of Practice.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 288 of the Criminal Code of Practice is amended to read as follows:

If the defendant be convicted of two or more offenses, the punishment of each of which is confinement, the court shall determine and so state in its judgment whether the sentences are to be served consecutively or concurrently. In the absence of a statement in a judgment as to whether such sentences are to be served consecutively or concurrently, it shall be presumed that they are to be served concurrently.

S. B. No. 19. AN ACT relating to the administration of estates.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Upon the application of any interested party, after notice of the filing thereof has been given to the surviving spouse and heirs in such manner and for such length of time as the county court directs, and after three weeks' notice to all interested parties by publication thereof once each week in a newspaper of general circulation in the county, unless such notices are waived or found unnecessary, the court, when satisfied that the assets of an estate are one thousand dollars or less in value and that creditors will not be prejudiced thereby, may make an order relieving such estate from administration and directing delivery of personal property and transfer of real estate to the persons entitled thereto.

(2) For such purpose, the court shall fix the amount of property to be delivered or transferred to the surviving spouse or minor children of the deceased in lieu of the claim of such spouse or minor children to property not deemed assets and to an allowance for a year's support.

(3) When a delivery or transfer of property has been or-

dered without administration, the court shall appoint a commissioner to execute instruments of conveyance when necessary.

(4) The application provided for in this section shall be in writing and shall contain the name, date, and place of death of the decedent; the names, ages, and addresses of the persons entitled to the next estate of inheritance and their respective degrees of relationship to the decedent; a summary statement of the character and value of the property comprising the estate; and a list of all known creditors of the decedent with the amount of their claims.

(5) An order of the court relieving an estate from administration shall have the same effect as administration proceedings in freeing land in the hands of an innocent purchaser for value from possible claims of unsecured creditors.

Section 2. (1) Any employer, including the state or a political subdivision, at any time not less than thirty days after the death of his or its employe, may pay all wages or personal earnings due to such deceased employe to:

(a) The surviving spouse;

(b) Any one or more of the children eighteen years of age or older; or

(c) The father or mother of the deceased employe, preference being given in the order named, without requiring probate of a will or administration of the estate of such deceased employe, where such wages or personal earnings do not exceed three hundred dollars.

(2) The payment of such wages or personal earnings shall fully discharge and release the employer from any claim for such wages or personal earnings.

(3) If probate of a will or administration of the estate of such deceased employe is thereafter ordered, any person receiving payment of wages or personal earnings under this section shall be liable to the executor or administrator for the sum received by him.

Section 3. Sections 395.460 and 395.470 of the Kentucky Revised Statutes are repealed.

Ordered that said bills be printed and referred.

A message was received from the Senate that they had passed a resolution originating in the House as follows, viz:

H. Res. No. 73. A JOINT RESOLUTION memorializing Congress to enact an amendment to the Agricultural Adjustment Act.

Ordered that said bill be delivered to the Enrolling Clerk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 346. AN ACT relating to the registration of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) No person residing in this state who is required by KRS 186.020 to 186.260 to register a motor vehicle in this state shall be issued a motor vehicle registration receipt or motor vehicle registration plate for such motor vehicle unless he shall, when applying for such receipt and such plate, submit to the county clerk to whom such application is made a tax receipt, or other evidence, showing that he has paid in full his personal property taxes which accrued and fell due and payable to the state and to the county in which he resides during the year next preceding that in which such registration receipt and plate are issued or are to be issued. The term "other evidence," as used in this section, shall mean a statement signed by the sheriff of the county in which the owner of such motor vehicle resides.

(2) An owner of a motor vehicle who, during the year next preceding that in which such motor vehicle registration receipt and plate are issued or are to be issued, owned no personal property subject to state and county taxation in the county in which he resides, or who was not subject to such taxation during such preceding year, shall be deemed to have complied with the requirements of subsection (1) of this section if, when applying for such motor vehicle registration receipt and plate,

he shall submit to the county clerk to whom such application is made a signed statement from the tax commissioner of the county in which he resides, certifying that such owner, during such preceding year, owned no personal property subject to state and county taxation, or was not subject to such taxation, as the case may be, in the county in which he resides.

Section 2. (1) No person residing in any city in this state levying and collecting taxes on personal property who is required by KRS 186.020 to 186.260 to register a motor vehicle in this state, shall be issued a motor vehicle registration receipt or motor vehicle registration plate for such motor vehicle unless he shall, when applying for such receipt and such plate, submit to the county clerk to whom such application is made, in addition to the information required in Section 1 of this Act, a tax receipt, or other evidence, showing that he has paid in full his personal property taxes which accrued and fell due and payable to the city in which he resides during the year next preceding that in which such registration receipt and plate are issued or are to be issued. The term "other evidence," as used in this section, shall mean a statement signed by the official charged with the duty of collecting personal property taxes levied by the city in which the owner of such motor vehicle resides.

(2) An owner of a motor vehicle who, during the year next preceding that in which such motor vehicle registration receipt and plate are issued or are to be issued, owned no personal property subject to taxation by the city in which he resides, or who was not subject to such taxation during such preceding year, shall be deemed to have complied with the requirements of subsection (1) of this section if, when applying for such motor vehicle registration receipt and plate, he shall submit to the county clerk to whom such application is made a signed statement from the official charged with the duty of assessing personal property in the city in which he resides, certifying that such owner, during such preceding year, owned no personal property subject to taxation, or was not subject to such taxation, as the case may be, by the city in which he resides.

(3) In the event the city in which such owner resides has, pursuant to KRS 132.285, elected to adopt and use the annual assessment of the county in which such city is located

as the basis upon which ad valorem tax levies on personal property are made by such city, the statement referred to in subsection (2) of this section shall be procured from the tax commissioner of such county.

Section 3. Compliance with the provisions of this Act shall not relieve the owner of any motor vehicle of the necessity of fulfilling all other requirements prescribed by law for the registration of motor vehicles in this state.

With Committee Substitute attached thereto as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) No person residing in this state who is required by KRS 186.020 to 186.260 to register a motor vehicle in this state shall be issued a motor vehicle registration receipt or motor vehicle registration plate for such motor vehicle unless he shall, when applying for such receipt and plate, submit to the county clerk to whom such application is made a tax receipt, or other evidence, showing that he has paid in full all taxes on personal property, including franchises, subject to taxation in the county in which he resides, which, during the year next preceding that for which such registration receipt and plate are to be issued, fell due and payable by him to the state and to the county in which he resides. An owner of a motor vehicle who was neither liable for the payment of nor subject to such state and county taxes falling due and payable during such preceding year, shall be deemed to have complied with the requirements of this section if, when applying for such motor vehicle registration receipt and plate, he shall submit to the county clerk to whom such application is made a signed statement from the tax commissioner of the county in which he resides, certifying that such owner was not liable for the payment of such taxes and was not subject to such taxes during such preceding year.

(2) The term "other evidence," as used in subsection (1) of this section, shall mean a statement signed by the sheriff of the county in which the owner of such motor vehicle resides.

Section 2. (1) No person residing in any city in this state levying and collecting taxes on personal property who is re-

quired by KRS 186.020 to 186.260 to register a motor vehicle in this state, shall be issued a motor vehicle registration receipt or motor vehicle registration plate for such motor vehicle unless he shall, when applying for such receipt and such plate, submit to the county clerk to whom such application is made, in addition to the information required in Section 1 of this Act, a tax receipt, or other evidence, showing that he has paid in full all taxes on personal property, including franchises, which, during the year next preceding that for which such registration receipt and plate are to be issued, fell due and payable by him to the city in which he resides. The term "other evidence," as used in this section, shall mean a statement signed by the official charged with the duty of collecting personal property taxes levied by the city in which the owner of such motor vehicle resides.

(2) An owner of a motor vehicle who was neither liable for the payment of nor subject to the city taxes referred to in subsection (1) of this section falling due and payable during the year next preceding that for which such motor vehicle registration receipt and plate are to be issued, shall be deemed to have complied with the requirements of subsection (1) of this section if, when applying for such motor vehicle registration receipt and plate, he shall submit to the county clerk to whom such application is made a signed statement from the official charged with the duty of assessing personal property in the city in which he resides, certifying that such owner was not liable for the payment of such taxes and was not subject to such taxes during such preceding year. Nothing contained in this subsection shall be construed to relieve any person of the necessity of complying with the requirements of Section 1 of this Act.

(3) In the event the city in which such owner resides has, pursuant to KRS 132.225, elected to adopt and use the annual assessment of the county in which such city is located as the basis upon which ad valorem tax levies on personal property are made by such city, the statement referred to in subsection (2) of this section shall be procured from the tax commissioner of such county.

Section 3. Compliance with the provisions of this Act shall not relieve the owner of any motor vehicle of the necessity of

fulfilling all other requirements prescribed by law for the registration of motor vehicles in this state.

Mr. Holsclaw moved that said Committee Substitute be adopted in lieu of H. B. No. 346.

Said motion was agreed to.

Said Committee Substitute was adopted by voice vote.

Mr. Holsclaw offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, section 1, line 24, by deleting therefrom the punctuation period following the word "resides" and by substituting therefor a comma, and by adding after said comma the following:

"which statement may be stamped or written upon the back of the registration receipt issued to the applicant for the preceding year."

Said motion was agreed to.

Said amendment adopted.

Mr. Holsclaw offered the following amendment and moved its adoption.

Amendment No. 2—On page 2, section 2, line 16 by deleting therefrom the punctuation period following the word "resides" and by substituting therefor a comma, and by adding after said comma the following:

"which statement may be stamped or written upon the back of the registration receipt issued to the applicant for the preceding year."

Said motion was agreed to.

Said amendment adopted.

Mr. Holsclaw offered the following amendment and moved its adoption.

Amendment No. 3—On page 3 subsection (3) of Section 2,

line 33 By deleting therefrom the words KRS 132.225 and inserting in lieu thereof the following: KRS 132.285

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved that H. B. No. 346 be placed on the Clerk's desk.

Said motion agreed to by voice vote.

Said bill was placed on the Clerk's desk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 430. AN ACT relating to parental permission for minors under eighteen years of age to play pool, and amending section 436.320 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 436.320 of the Kentucky Revised Statutes is amended to read as follows:

No person owning or controlling a billiard or pool table shall permit, for compensation or reward, any minor under eighteen years of age to play any game on the table, unless such minor shall have first displayed an identification card containing his name, age, photograph, and the signature of his parents or guardian. The minor shall keep such identification card on his person, and it shall be subject to inspection at any time by any peace officer. The person owning or controlling such billiard or pool table shall keep and maintain a registration book in which each minor shall sign. The person owning or controlling such billiard or pool table shall supply a blank identification card to each parent or guardian who makes request for same. Any person who violates this Act shall be fined not less than ten nor more than one hundred dollars for each offense.

Mr. Everett moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
C. E. Dowell
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
William L. Hadden
C. Ruby Harralson
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
Varna Holt
William M. Horn
Talmage Lacy
Shelby McCallum
Ralph E. McClanahan
William E. Maglinger
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Louis T. Peniston
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
William A. Routh
E. H. Stumbo
C. Waitman Taylor
Hicks Wells
William B. Wells
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

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Those who voted in the negative were—

Charles E. Baumgardner, Sr.	Estill R. Hilton	LeRoy Saylor
Owen Billington	James W. Lambert	Mrs. Thelma L. Stovall
Cassius M. Clay	Caleb McFadden	Eulick Walsh
John L. Day	Walter R. Moorman	W. W. Webster
Albert Dempsey	Thomas J. Murphy	Mrs. Randolph Wilson
Harold Edmonds	Goebel W. Newsom, Jr.	
Harold G. Helm	Paul T. Ratcliffe	

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Resolved that the title thereof be as aforesaid.

Mr. Everett moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the House adjourn until 1:00 P. M. Tuesday, March 16, 1954.

Said motion was agreed to.

And the House did then adjourn.

TUESDAY, MARCH 16, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter, Rector of the Church of the Ascension, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson	Owen Billington	John Young Brown
Walter J. Bailey	Leo A. Bleemel	Charles W. Buchanan
John Rhea Banton	J. Murray Blue	Harry M. Caudill
Wallace Bartley	J. C. Bradley	Cassius M. Clay
Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.	Paul Cobb
	Edward O. Bridgers	William J. Conley

R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker
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Mr. Harris moved that the reading of the Journal of the proceedings of Monday, March 15, 1954, be dispensed with and same be approved.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate that they had passed a bill originating in that body as follows, viz:

S. B. No. 137. AN ACT relating to highways and the financing thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is the declared policy and purpose of the General Assembly, in enacting this Act, to foster, promote, and expedite the construction, maintenance and improvement of a modern and adequate system of roads throughout the Commonwealth, in the interests of the public safety and general welfare; and, in the furtherance of such policy and purpose, to authorize the maximum financial commitments permissible under the provisions of the Constitution.

Section 2. As used in this Act, unless the context otherwise requires:

(1) "Authority" means The Kentucky Highway Authority;

(2) "Department" means the Department of Highways, or such department, agency, officer or officers of the Commonwealth as may succeed to the principal powers, functions and duties thereof;

(3) "Project" means any property, structure, facility, or undertaking which the Authority is authorized to acquire, construct, improve, maintain, equip, furnish, lease or operate under the provisions of this Act;

(4) "Person" means natural persons, firms, associations, corporations, business trusts, partnerships and public bodies;

(5) "Federal Agency" means the United States of America, the President of the United States of America, and any department, corporation, agency or instrumentality heretofore or hereafter created, designated or established by the United States of America;

(6) "Cost", as applied to any project which the Authority is authorized to plan or undertake, means the cost of acquisition of all land, rights-of-way, property, rights, easements, and interests acquired by the Authority, the cost of construction, the cost of all machinery and equipment, whether purchased or leased, financing charges, interest prior to and during construction, and, if considered advisable by the Authority, for as much

as one year after the completion of construction, cost of traffic estimates and of engineering, legal, technical and financial services and advice, plans, specifications, surveys, borings, estimates of costs and revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing or improving any project, administrative expense, and such other expenses as may be necessary or incident to the construction or improvement of any project, the financing thereof, the placing thereof in operation, or the opening thereof to public use;

(7) "Current resources", as applied to the department, means all funds appropriated to or provided for the department by the General Assembly from time to time, and by any Federal Agency, and all tolls, rents, charges, gifts, grants, moneys and all other forms of property, coming into the possession or under the control of the department except (a) the two-sevenths of the Kentucky gasoline tax, so long as said tax remains at the rate of seven cents per gallon, presently earmarked for the construction, reconstruction, and maintenance of rural and secondary roads pursuant to KRS 138.200 and KRS 177.320 to 177.380, (b) tolls, rentals and charges received by the department from the operation of toll bridges, toll highways and toll ferries, and (c) grants or contributions from any Federal Agency, and gifts, grants, contributions, devises or bequests from other sources, to the extent directed, earmarked, or conditioned for special purposes inconsistent with the use by the department of its current resources as authorized by this Act;

(8) "Owner" means all natural persons, firms, partnerships, associations, trusts, corporations and public bodies having any right, title or interest in any property, right, easement or interest authorized or required to be taken under authority of this Act;

(9) "Bonds" means notes, bonds, interim bonds, interim certificates, and other evidences of indebtedness or obligations which the Authority is authorized to issue;

(10) "Construction" means acquisition, construction and reconstruction, and "to construct" means to acquire, to construct and to reconstruct;

(11) "Improvement" means extension, enlargement and

improvement, and "to improve" means to extend, to enlarge and improve;

(12) "Equipment", "facilities" and "furnishings" mean any equipment and furnishings whatsoever deemed desirable and required by the Authority or by the department in the planning, construction, improvement or use of any project, and "to equip" and "to furnish" mean the installation of such equipment, facilities and furnishings.

Section 3. The Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, the State Treasurer, the Commissioner of Finance, the Commissioner of Highways and the State Highway Engineer, and their respective successors in office, and eight citizens of Kentucky to be appointed by the Governor, one from each Congressional District not more than four of whom may be affiliated with any one political party, are hereby created a body corporate and politic constituting a public corporation and governmental instrumentality and agency of the Commonwealth by the name of "The Kentucky Highway Authority". All members shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members. Ex-officio members shall be entitled to no compensation for their services as members; but the appointed members shall be entitled to compensation on the basis of twenty-five dollars per diem, in addition to reimbursement for their expenses. Of the members appointed by the Governor, two shall serve for a term which shall expire with the term of the Governor appointing him; two shall serve for terms expiring one year after such expiration; two shall serve for terms expiring two years after such expiration; and two shall serve terms expiring three years after such expiration. In making the initial appointments, the Governor shall designate the expiration of the term of each appointee. Subsequent appointments shall each be for a term of four years, and until a successor is appointed and qualified, except that in the event a vacancy occurring by reason of death or resignation, the appointment shall be only for the unexpired term. Appointments shall be made in such manner that of the eight appointed members, at any time, not more than four shall be affiliated with one political party.

Section 4. (1) Within ninety days after the effective date of this Act, the Governor shall appoint the citizen members of the Authority, and the Authority shall then meet and organize. The Governor shall, by virtue of his office, be chairman of the Authority, and the Lieutenant Governor shall in like manner be the vice-chairman.

(2) Eight members of the Authority shall constitute a quorum for the transaction of business, and a lesser number may adjourn from time to time until a quorum is convened. The Authority shall convene at least three times in each calendar year at such times and places within the Commonwealth as may be stated in a notice of the meeting, mailed to each member not less than ten days in advance, or upon written waiver of notice by each member.

(3) The Authority may by resolution entered upon its records, upon the affirmative vote of not less than eight members, create an executive committee of five of its members. The executive committee may exercise such powers of the Authority as may be set forth in such resolution. At least two members of the executive committee shall be appointive members of the Authority, who shall be of different political affiliations. The executive secretary shall keep full and correct minutes of the meetings and final actions of the Authority, which shall be open to the inspection of the public at all reasonable times. Copies of any records or proceedings of the Authority, authenticated under the seal of the Authority by the executive secretary, shall be received as prima facie evidence of such records or proceedings in any court, commission, board, department or agency of the Commonwealth.

Section 5. The Authority shall elect, by the votes of at least eight members, an executive secretary who shall not be a member of the Authority but who shall be its chief executive officer. The executive secretary shall serve on a full-time basis at the pleasure of the Authority. He shall receive an annual salary not to exceed the salary of the State Highway Engineer, less one hundred dollars.

Section 6. The Authority shall elect a treasurer who may be a member of the Authority and who shall serve at the pleasure

of the Authority. The treasurer shall be paid a salary not to exceed six thousand dollars per annum from which shall be deducted such payments as may be made to him as a member of the Authority if he be a member. The treasurer shall execute bond in such amount and upon such terms as the Authority may prescribe, the premium for which shall be paid by the Authority.

Section 7. (1) The Authority may appoint, or contract for the services of, officers, agents and employees, including engineers, attorneys, accountants, fiscal agents and other professional persons, prescribe their duties and fix their compensation.

(2) Employes of any state department, agency or other instrumentality may, with the consent of the Governor and such department, agency or instrumentality, be transferred to employment by the Authority. Such employes shall retain uninterrupted any civil service rating, sick leave, vacation, pension, retirement, insurance or other rights which would otherwise accrue to them in their employment.

Section 8. Any member, agent or employe of the Authority who, while he is such member, agent or employe, or within six months thereafter, is personally interested, either directly or indirectly, in any contract of another with the Authority, or in the sale of any property, either real or personal, either to or by the Authority, shall, upon conviction, be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, for each offense.

Section 9. The Authority is created for the purposes of acquiring, constructing, reconstructing, improving, equipping, furnishing, maintaining, operating, leasing and financing public highways, bridges, viaducts, tunnels, traffic circles, grade separations, maintenance sheds, offices, garages and roadside rests, or any combination thereof. The Authority may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including right and power:

(1) to sue and be sued;

(2) to contract and be contracted with in its own name in the manner prescribed for contracts made by the department;

(3) to adopt and use a corporate seal;

(4) to make by-laws for the management and regulation of its affairs;

(5) to exercise the power of condemnation.

Section 10. Under agreement with the department, the Authority shall possess the same powers granted the department to acquire, improve, construct, reconstruct, maintain, repair and operate all highways and other structures and appurtenances necessary and convenient thereto, except toll roads and toll bridges; provided, however, that the Authority shall be limited in its projects to highways having a current or estimated potential traffic density of one thousand or more vehicles per day. No project shall be undertaken, and no bonds shall be issued, until the plans and specifications for such project have been approved in writing by the department.

Section 11. (1) The Authority may purchase such lands, structures, property, rights, rights-of-way, franchises, easements and other interests in lands, located within the Commonwealth, as it may deem necessary or convenient for any project, upon such terms and conditions and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner or owners thereof, and to take title thereto in the name of the Authority.

(2) Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey title for any reason, the Authority may condemn any lands, property, rights, rights-of-way, easements, and other property, public, or private, or dedicated to public use, deemed necessary for any project, or necessary in the restoration of public or private property damaged or destroyed. Any such proceedings shall conform to procedures prescribed for condemnation by the department. Title to any property so acquired by the Authority shall be taken in the name of the Authority, in fee simple, free from any right of reversion. In any condemnation proceedings any court having jurisdiction may require an undertaking or other security to secure the owners against any loss or damage by reason of the

failure of the Authority to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the Authority shall impose any liability upon the Commonwealth, except as may be paid pursuant to contract with the department from the current resources of the department.

(3) If the owner, lessee or occupier of any property to be condemned refuses to remove his personal property therefrom or give up possession thereof, the Authority may proceed to obtain possession in any manner now or hereafter provided by law.

(4) With respect to any railroad property or right-of-way upon which railroad tracks are located, any powers of condemnation may be exercised to acquire an easement to cross the same at grade level, or an easement interest therein which may be located either sufficiently far above or sufficiently far below the grade of any railroad track or tracks upon such railroad property so that neither the proposed project nor any part thereof, including any bridges, abutments, columns, supporting structures or appurtenances, nor any traffic upon it, shall interfere in any manner with the use, operation or maintenance of the trains, tracks, works or appurtenances, or other property of the railroad, nor endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for such easement over or under such railroad property or right-of-way, plans and specifications for the proposed project, showing compliance with such above or below grade requirements, and showing sufficient and safe plans and specifications of such overhead or undergrade structures and appurtenances, shall be submitted to the railroad company for examination and approval. If the railroad fails or refuses within thirty days to approve the plans and specifications so submitted, the matter shall be submitted to the Public Service Commission of Kentucky, whose decision shall be final as to the safety of such plans and specifications and as to such elevations or distances above or below the tracks. Such overhead or undergrade structures and appurtenances shall be constructed only in accordance with such plans and specifications, and in accordance with such elevations or distances

above or below the tracks so approved by the Public Service Commission, as the case may be. A copy of the plans and specifications approved by the railroad or the Public Service Commission shall be filed as an exhibit with the complaint in any condemnation proceedings.

(5) The Authority and its authorized agents and employes may enter upon any lands, waters and premises in the Commonwealth for the purpose of making surveys, soundings, borings, drillings and examinations deemed necessary or convenient for the purpose of this Act, and such entry shall not be deemed a trespass, nor shall entry for any of such purposes be deemed an entry under any condemnation proceedings which may be then pending. The Authority shall make reimbursement for any actual damage resulting to such lands, waters and premises as a result of such activities.

Section 12. (1) The Authority may construct grade separations at intersections of any projects and change and adjust the lines and grades of highway projects so as to accommodate them to the design of such grade separation. The cost of grade separations, and any damage incurred in changing and adjusting the lines and grades of highways shall be ascertained and paid as a part of the cost of the highway project which made them necessary.

(2) If the Authority finds it necessary to change the location or grade of any public highway, it shall cause the same to be reconstructed at such location as the Authority, with the approval of the department, deems most favorable, and in as good condition as the original highway. The cost of such relocation and reconstruction, and any damage caused thereby, shall be ascertained and paid by the Authority as a part of the cost of the project which made the same necessary.

(3) Any public highway affected by the construction of any project may be vacated or relocated by the Authority, with the approval of the department, in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of the project which made the same necessary.

Section 13. The Authority and the department may enter into agreements to lease, and may lease, sell, transfer or convey, the one to the other, any project, property, or interest therein, for consideration, either nominal or reasonable. No lease executed between the Authority and the department shall extend for a longer period than forty years from the time the project is completed or made available for public use. Rentals under such lease may be determined by the terms of any applicable agreement to lease, or by mutual agreement between the department and the Authority. In any such agreement to lease, or lease, the department may contract with the Authority to maintain any project at the expense of said department, to be paid from its current resources.

Section 14. Rentals payable by the department to the Authority, pursuant to the terms of any lease, or of any agreement to lease, shall be deemed to constitute compensation to the Authority for the agreed reasonable value of the services and facilities provided under the terms of the applicable instrument, during each successive legislative biennium, and shall be binding and enforceable upon said department in each such biennium only to the extent of the current resources of said department. Such current resources shall be budgeted by the department for each fiscal year so as to provide payment of all rentals falling due therein. If for any reason current resources of the department for any biennium should prove to be insufficient for the payment of all rentals due, or if, for any reason, such rentals are not paid therefrom, any such unpaid rentals shall be carried over and paid from current resources of the department in future bienniums, to the extent such current resources are then available. The department shall make payment of the rentals prescribed in any and all of such leases, to the full extent of its current resources in each biennium. The department may pledge as security for the payment of its rentals for the terms of such leases, such revenues as it may receive which are limited in application to highway purposes by section 230 of the Constitution. Any failure, neglect or refusal of the department to pay any rental from its current resources during any biennium shall not cause or permit the precipitation of rentals due in any future biennium or give

rise to a cause of action for such rentals due in any such future biennium. Subject to the conditions and restrictions set forth in the resolution, proceedings, trust indenture or other instruments adopted or executed in connection with the issuance of any bonds issued under authority of this Act, any failure, neglect or refusal of the department to pay rentals for any then current biennium from its current resources, shall give rise to a cause of action on the part of the holders of such bonds, or any receiver or trustee acting on their behalf, directed to the proper officers of the department requiring them, or any of them, to perform their lawful duties as herein prescribed, and as prescribed by the resolution, proceedings, trust indenture, lease or other instrument pursuant to which the bonds were issued, and to refrain from doing otherwise.

Section 15. The Authority, with the approval of the department, may make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances of any public or private utility in, on, along, over or under any project. Whenever, with the approval of the department, the Authority shall determine that it is necessary that any such facilities which now are, or may hereafter be, located in, on, along, over or under any project should be relocated in such project, or should be removed from such project, the utility owning or operating such facilities shall relocate or remove the same at its own expense, in accordance with the order of the Authority; provided, however, that in the event any utility occupies the highway right-of-way by virtue of a contractual right supported by consideration, the cost of such relocation or removal, including the cost of installing such facilities in new locations, including the cost of any lands, or any interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by Authority as a part of the cost of the project making the same necessary. In case of any such relocation or removal of facilities, the utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new locations, for as long a period, and upon the same terms

and conditions, as it had the right to maintain and operate such facilities in their former locations; provided, however, that in no event shall a utility have the privilege of establishing its lines or properties within the right-of-way of any project except upon the terms prescribed by the Authority.

Section 16. The Authority may fix, alter, charge and collect reasonable rates, rentals and other charges for the use of the facilities of, or for the services rendered by, the Authority, or projects thereof, for the purpose of providing for the payment of the expenses of the Authority, the acquisition, construction, reconstruction, improvement, maintenance, repair, equipping, furnishing and operation of its facilities, properties and projects, the payment of the principal of and interest on its bonds and other obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such bonds or other obligations; provided, however, that the Authority shall have no power at any time to fix or collect tolls or other similar charges for the vehicular use of any project, facility or service, except rentals from the department.

Section 17. The Authority may borrow money, accept grants from, and enter into any contracts, leases, or other transactions with any Federal Agency.

Section 18. The Authority may borrow money, authorize, make and issue its negotiable notes, bonds, and other evidences of indebtedness or obligations, and may secure the payment of all or any part thereof by pledge or trust indenture of any of its resources, and may make such arrangements with holders or purchasers, or with others, in connection therewith, whether issued or to be issued, as the Authority shall deem advisable. It may pledge, hypothecate or otherwise encumber any of its revenues or receipts as security for any such obligations; provided, however, that the Authority may not, in any manner, at any time, pledge the credit or taxing power of the Commonwealth or of any of its political subdivisions; nor shall any of the obligations of the Authority be deemed obligations or debts of the Commonwealth or of any of its political subdivisions; nor shall the Commonwealth or any of its political subdivisions be liable for the payment of the principal of or interest on such obligations or debts.

Section 19. (1) The Authority may provide, at one time or from time to time, for the issuance of its bonds for the purpose of paying all or any part of the cost of any one or more projects. The bonds of each issue or series shall be authorized by a resolution of the Authority and shall be dated, shall bear interest at such rate or rates not exceeding six percent per annum, shall mature at a time or times not exceeding forty years from their respective date or dates, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and upon such terms as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places for payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by or bear the facsimile of the signature of the chairman of the Authority, and the seal of the Authority, or a facsimile thereof, shall be affixed thereto, attested by the manual signature of the executive secretary, and any coupons attached thereto shall bear the facsimile signature of the executive secretary. If any officer whose signature or facsimile signature appears on any bonds or coupons ceases to be such officer before the delivery of such bonds, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until such delivery. All such bonds shall possess all the qualities and incidents of negotiability under KRS Chapter 356. The bonds may be issued in coupon or in registered form, or both. Provision may be made for the registration of any coupon bonds as to principal alone, and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest.

(2) The Authority may sell bonds at such prices as, in its judgment, may best effect the purposes of this Act. By reason of the unusual nature of the bonds which may be issued under the provisions of this Act, and the substantial undertakings which may, in the discretion of the Authority and the department, be financed hereunder, it is declared to be the public

policy of the Commonwealth that bonds of the Authority need not be sold on the basis of sealed bids, publicly solicited and received. If the Authority shall determine by the affirmative votes of at least ten members that it is desirable to sell any issue of its bonds on the basis of private negotiation, it shall advertise such fact by publication of a notice setting forth the time and place of the opening of such negotiations at least ten days in advance, at least one time in a newspaper of general circulation throughout the Commonwealth, and at least one time in a financial medium of national circulation. At the conclusion of such negotiations as the Authority may deem adequate and proper, the Authority may enter into a written contract for the sale and purchase of bonds then ready to be issued, such contract to be definite in its terms as to price, interest coupon rate or rates, and provisions for redemption prior to stated maturities; but any such written contract shall be subject, until twelve o'clock noon, Central Standard Time, on the second day after execution by the parties, to approval or disapproval by an advisory committee. Such advisory committee shall consist of five persons who shall be appointed by the Governor prior to the commencement of the negotiations. Appointments shall be made from public spirited citizens of the Commonwealth experienced in financial matters, none of whom shall be members of the Authority, and not more than three of whom shall be affiliated with any one political party. Service shall be without compensation. Said committee may participate in the negotiations at any stage, and may make such investigation and hear such evidence as it may deem necessary or desirable, and shall file with the Governor a written report approving or disapproving the sale agreement, and setting forth the reasons therefor. Four members of such committee shall constitute a quorum, and the concurring signatures of four members shall be required to constittue a binding report. If any member of such committee shall be absent from the Commonwealth, incapacitated, or unwilling to serve, the Governor may appoint another person to fill the vacancy so existing. If the report of said committee approves the negotiated sale contract, such contract shall become final and binding upon the parties as of the filing of the report with the Governor, within said prescribed period. If the report of said committee disapproves the nego-

tiated sale contract or is not filed with the Governor within said prescribed period, the sale contract shall be void and no longer binding upon the parties thereto; provided, however, that the parties may by written agreement extend such time, in which event an approving report of the committee, filed within the time as so extended, shall cause such negotiated sale contract to become valid and binding as of the time of its filing. Nothing herein contained with reference to negotiated sales of bonds shall be construed to apply to bonds or other similar obligations of any public bodies, municipal corporations, or commissions or agencies of the Commonwealth, or of any of its subdivisions, agencies or instrumentalities. If the Authority does not determine to sell an issue on a negotiated basis, sale shall be on the basis of sealed bids, publicly solicited and received in accordance with reasonable regulations established by the Authority

(3) Bonds of the Authority may be issued only after approval of the department and pursuant to the terms of a written contract, lease, agreement to lease, or other document executed by the Authority with the department in which identification is made of the project or projects to be financed or refinanced thereby. The proceeds of the bonds shall be used solely for the payment of the cost of the project or projects for which such bonds have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the proceedings authorizing the issuance of the bonds, or in any trust agreement securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, are less than the cost of the project or projects intended to be financed thereby, additional bonds may in like manner be issued to provide the amount of such deficit, and shall be deemed a part of such issue and shall rank on a parity with the bonds of such issue in every respect. If the proceeds of the bonds of any issue exceed the cost of the project or projects intended to be financed thereby, the surplus shall, with the written consent of the department, be either (a) deposited to the credit of any sinking fund established by the Authority, or (b) applied to the cost of any other project or projects theretofore or thereafter included within the terms of any written instrument executed by the Authority and the department.

(4) Prior to the preparation of definitive bonds, the Authority may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which become mutilated, destroyed or lost. Bonds may be issued by the Authority without obtaining the approval of any department, agency or court of the Commonwealth, other than the Department of Highways, and without any other proceedings or happening of any other conditions or events other than the proceedings or conditions which are specifically required by this Act.

(5) Any bonds issued may be secured by a trust agreement or indenture between the Authority and any trust company, or bank having the powers of a trust company, within or without the Commonwealth. The Authority may not, by any such trust agreement, or by the proceedings authorizing any of its bonds, convey or mortgage or place a lien upon any project, but may make such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper, including covenants of the Authority in relation to the acquisition of property and the construction, reconstruction, improvement, maintenance, repair, operation and insurance of the project or projects in connection with which such bonds have been authorized, and the custody, safeguarding and application of moneys. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. Any such trust agreement or proceedings may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement, indenture or proceedings may be treated as a part of the cost of operation of the project or projects intended to be financed through the issuance of such bonds.

(6) Any resolution of the Authority authorizing any bonds may contain provisions which shall be a part of the contract with the holders of such bonds as to (a) rentals or receipts of the Authority from all or any projects or properties, (b) the construction, reconstruction, improvement, operation, repair, equip-

ping and maintenance of any project or projects and the duties of the Authority with reference thereto, (c) the terms of the bonds, (d) limitations on the purposes to which the proceeds of the bonds, or of any loan or grant by the United States, may be applied, (e) the charges for facilities or services of the Authority, including limitations upon the power of the Authority to modify any lease or other agreements pursuant to which any charges are payable, (f) the setting aside of reserves or sinking funds and the regulation, safeguarding and disposition thereof, (g) limitations on the issuance of additional bonds, (h) the terms of any trust agreement or indenture securing the bonds or under which the same may be issued, and (i) any other or additional agreements with the holders of the bonds.

Section 20. Bonds issued by the Authority shall not be deemed to constitute a debt of the Commonwealth or of any political subdivision thereof, or a pledge of the faith and credit of the Commonwealth or of any political subdivision thereof; but shall (1) if issued with a pledge of the faith and credit of the Authority, be payable only out of the available unencumbered resources of the Authority, or (2) if issued with a pledge of the rentals, receipts and other income of any project or projects, be payable solely from such rentals, receipts and other income, which may be segregated from the otherwise unencumbered resources of the Authority for such purpose as may be provided in the trust indenture or proceedings of the Authority authorizing or providing for the issuance of such bonds. All such bonds shall contain on the face thereof a statement to the effect that the same are issued under this Act, that the Commonwealth shall not be obligated to pay the same, or the interest thereon, except from current resources of the department; and that neither the faith and credit nor the taxing power of the Commonwealth is pledged to the payment of the principal of or interest on such bonds.

Section 21. Any holder of bonds or of any of the coupons appertaining thereto, and the trustee under any trust agreement or indenture, except to the extent the rights herein given may be restricted by such trust agreement or indenture, may protect and enforce any rights under the laws of the Commonwealth or under such trust agreement or indenture, or the proceedings authorizing the issuance of such bonds, and may enforce and

compel performance of all duties required by law or by the trust agreement or indenture, or proceedings, to be performed by the Authority or by any officer, agent or employe thereof, including the fixing, charging and collection of rentals or other income.

Section 22. The exercise of the powers granted by this Act shall be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their safety, health and general welfare; and the construction, reconstruction, improvement, maintenance, repair and operation of projects by the Authority shall constitute the performance of essential governmental functions. Hence the Authority shall not be required to pay any taxes or assessments upon any project or upon any property acquired or used by the Authority, or upon the income therefrom, and the bonds issued under the provisions of this Act, their transfer and the income therefrom shall at all time be free from taxation within the Commonwealth. All properties of the Authority are hereby declared to be public properties used for public purposes within the meaning of Section 170 of the Constitution.

Section 23. Bonds issued by the Authority are hereby made securities in which all public officers, agencies and public bodies of the Commonwealth and its political subdivisions and public corporations, all insurance companies, trust companies, banking associations and corporations, combined bank and trust companies, executors, trustees, guardians, committees and all other fiduciaries and all other persons whomsoever, who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital, in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state, municipal or other public office or agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized or required by law.

Section 24. The Authority may provide for the issuance of bonds for the purpose of refunding any bonds then outstanding

which have been issued under the provisions of this Act, including the payment of any premium or additional interest incident to the redemption of said outstanding bonds in accordance with their terms, and any interest accrued or to accrue to the date of redemption of such bonds, whether or not such refunding bonds shall bear interest from a date prior to, or coincident with, the date of redemption of, or voluntary contractual surrender and retirement of, such outstanding bonds; and for the additional purpose of constructing improvements to any project in connection with which the bonds to be refunded have been issued. The Authority may further provide for the issuance of its bonds for the combined purpose of refunding any bonds then outstanding which have been issued pursuant to the provisions of this Act, and paying all or any part of the costs of any additional projects.

Section 25. (1) Moneys received by the Authority may, by agreement with the depository thereof, be deemed to be trust funds to be held and applied solely as provided in any trust indenture, proceedings, or other agreement. The resolution or other proceedings authorizing the bonds of any issue or series, or the trust agreement or indenture securing the same, may provide that any officer with whom, or any bank or trust company with which, such moneys are deposited shall act as trustee of such moneys and shall hold and apply the same, subject to the provisions of this Act and any applicable resolution, proceedings, trust agreement or indenture. Any bank, trust company or combined bank and trust company, incorporated under the laws of the Commonwealth, which is acting as a depository, shall furnish such indemnifying bonds or pledge such securities as may be required by the Authority.

(2) When moneys in any such trust fund are not immediately needed for the purpose for which such funds are provided, the trustee of such funds, upon resolution of the Authority specifically adopted for such purpose, may temporarily invest and reinvest such funds, to the extent authorized by such resolution, in bonds or notes issued or fully guaranteed as to principal and interest by the government of the United States of America; provided, that any such investment or reinvestment shall be subject to any pertinent provisions of the resolution,

proceedings or trust indenture or agreement adopted or executed in connection with the issuance of the bonds with respect to which such trust funds are maintained or provided. It is the intent of the General Assembly that trust funds not be permitted to remain idle in the hands of any such trustee when such funds are not needed in the reasonably foreseeable future, as determined by resolution of the Authority, and can be made to produce revenues as aforesaid.

Section 26. The Authority shall have an initial fiscal period beginning upon the effective date of this Act and ending on June 30, 1954; or, if the organization of the Authority occurs later than April 30, 1954, then the initial fiscal period of the Authority shall end on June 30, 1955. After such initial fiscal period, the Authority shall operate and keep its books and records on the basis of a fiscal year commencing with each July 1 and terminating with the next ensuing June 30th. On or before each October 1, the Authority shall make an annual report to the Governor. Each such report shall set forth a complete operating and financial statement covering the operations of the Authority during the preceding fiscal year. Each year when there is a regular session of the General Assembly, copies of the reports of the Authority for the two previous fiscal years of the Authority shall be filed, on the first day of such regular session, with the presiding officer of the Senate and of the House of Representatives, for such disposition as said officers may prescribe.

Section 27. The Auditor of Public Accounts shall make an annual audit of the books of the Authority, as soon as may be feasible after the close of each fiscal year of the Authority, and as often during any such fiscal year as the Governor may direct. The Authority may also employ independent certified public accountants to make such audits, and the costs thereof shall be deemed a part of the costs of any project designated by resolution of the Authority or by any agreement executed in connection with the issuance of any bonds.

Section 28. The Commonwealth does hereby covenant with, pledge to and agree with any person, firm or corporation, or Federal Agency, contracting with the Authority or subscribing to or acquiring any bonds issued by the Authority to finance

any project, or any part thereof, that until such contract has been performed or all of the bonds at any time issued by the Authority are fully paid and discharged, including the interest thereon, the Commonwealth will not abolish the Authority or limit or alter the rights vested in the Authority in any manner which would be inconsistent with the continued maintenance and operation of any project, or the improvement thereof, or which would be inconsistent with the due performance of any agreement.

Section 29. All laws applicable to traffic on public roads, highways and other public ways, and all regulations promulgated by any department, division, agency, or instrumentality of the Commonwealth, or by any political subdivision thereof, shall be applicable in like manner to any public highways, roads, bridges or other public ways conveyed to, or constructed, acquired, improved, repaired or maintained by the Authority. The State Police shall have the same jurisdiction of traffic violations upon the public highways, roads, bridges and other public ways of the Authority as would have been applicable had such highways, roads, bridges, and public ways been acquired, constructed, improved, repaired or maintained by the department.

Section 30. In the exercise of the powers granted by this Act neither the Authority nor the department shall be subject to the provisions of KRS Chapters 12, 42, 45 and 56.

Section 31. This Act shall be deemed to provide an additional and alternative method for the doing of the things authorized and contemplated hereby, and shall be regarded as supplemental to, and in addition to, powers, rights and privileges conferred by other laws, and shall not be regarded as in derogation of any powers, rights or privileges now existing.

Section 32. The department may advance to the Authority sufficient funds to meet its necessary expenses until such time as the rentals and other income of the Authority are sufficient to permit the assumption of such expenses. Thereafter the general expenses of the Authority shall be allocated to the projects established by it in reasonable proportion.

Section 33. The department may expend such moneys as

may be necessary for the study and planning of any project, and use its engineering and other forces and facilities, and employ consulting engineers and traffic engineers and surveyors for the purpose of effecting such studies and planning, and pay for such engineering and traffic and other expert studies and surveys as it may deem expedient. All such costs and expenses incurred by the department prior to the issuance of bonds by the Authority under the provisions of this Act, shall be paid by the department and charged to the appropriate project or projects of the Authority, and the department shall keep proper records and accounts of each amount so charged. Upon the sale of bonds by the Authority for any project, the funds so expended by the department in connection with such project, shall be reimbursed to the department from the proceeds of such bonds.

Section 34. The General Assembly hereby finds and declares that by reason of the urgent need for improvement of the public highways of the Commonwealth and the necessity for initiating immediate remedial measures, and by reason of the fact that adjoining states are currently planning highway construction and improvement programs which necessitate immediate co-ordination with plans of the Authority created by this Act, an emergency exists and this Act shall become effective immediately upon its passage and approval by the Governor.

Ordered that said bill be printed and referred.

A message was received from the Senate that they had passed bills and resolutions originating in the House as follows, viz:

H. Res. No. 77. A JOINT RESOLUTION inviting Earl C. Clements to address a joint session of the General Assembly.

H. Res. No. 41. A RESOLUTION directing the Judicial Council to conduct a study of the divorce laws of this state, and other matters, and submit a report and proposed legislation to the 1956 General Assembly.

H B. No. 205. AN ACT relating to property taxation.

H. B. No. 208. AN ACT relating to the Financial Responsibility Law.

H. B. No. 110. AN ACT relating to the office of jailer in cities of the second class.

With Senate amendments attached thereto.

H. B. No. 202. AN ACT relating to property taxation.

H. B. No. 214. AN ACT RELATING TO THE Liability of operators of automobile parking lots or automobile storage garages for safekeeping and return of automobiles and their contents.

With Committee Substitute attached thereto.

H. B. No. 217. AN ACT relating to the furnishing of gas by gas pipe-line companies, and amending Section 278.485 of the Kentucky Revised Statutes.

H. B. No. 219. AN ACT relating to sureties on bonds of city or county officers.

H. B. No. 292. AN ACT changing the classification of the city of Flatwoods, in Greenup County.

H. B. No. 339. AN ACT relating to police departments in second-class cities taking charge of lost or stolen property coming into the possession of such police departments and providing for the disposition of unclaimed property by police departments in second-class cities.

H. B. No. 428. AN ACT relating to refunding of excise taxes paid on gasoline, used in tractors or stationary engines operated for agricultural purposes.

H. B. No. 345. AN ACT relating to terms of Court in the 38th Judicial District.

H. B. No. 286. AN ACT relating to the promotion of the Rural Kentucky Medical Scholarship Fund by the State Department of Health and making an appropriation therefor.

H. B. No. 343. AN ACT relating to flammable liquids.

H. B. No. 329. AN ACT relating to insurance, etc.

H. B. No. 327. AN ACT relating to fire prevention and protection.

H. B. No. 402. AN ACT relating to insurance, etc.

H. B. No. 341. AN ACT relating to insurance and the form and provisions of disability insurance policies, etc.

H. B. No. 403. AN ACT relating to the State Fire and Tornado Insurance Fund.

H. B. No. 404. AN ACT relating to Deposits of Insurers.

H. B. No. 380. AN ACT relating to registration and purgation, etc.

H. B. No. 498. AN ACT relating to motor vehicle headlights, etc.

H. B. No. 104. AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky, relating to the exemption of property from taxation.

H. Res. No. 73. A JOINT RESOLUTION memorializing Congress to enact an amendment to the Agricultural Adjustment Act.

Ordered that said bills and resolutions be delivered to the enrolling clerk.

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Conley.

H. B. No. 524. AN ACT relating to reporting, paying and collecting alcoholic beverage excise taxes on malt beverages.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.740 of the Kentucky Revised Statutes is amended to read as follows:

(1) The person who pays the tax imposed by KRS 243.720 on any alcoholic beverage shall evidence the payment by the purchase and affixing of stamps issued by the department. He

shall place these stamps upon each retail container in such a manner as the department prescribes.

(2) The wholesaler who purchases or otherwise acquires title to any alcoholic beverage made taxable by KRS 243.720 shall within twenty-four hours from the time he acquires possession of the alcoholic beverages, affix or cause to be affixed the stamps required by subsection (1), but if a wholesaler in purchasing or otherwise acquiring title to the alcoholic beverage resells or otherwise disposes of it without ever having actual possession of the alcoholic beverage he shall affix the stamps or cause them to be affixed before delivery of the alcoholic beverage is made to the purchaser or donee.

(3) Except as provided in KRS 243.780, the wholesaler who imports any alcoholic beverage in any retail container for eventual retail sale or distribution by gift or retail sale in this state shall pay the tax imposed by KRS 243.720 and affix the stamps upon the alcoholic beverage before it is sold or offered for sale or distribution by gift or sale. The tax shall be paid and the stamps shall be affixed within twenty-four hours after receipt of the alcoholic beverage by the importer.

(4) In the case of malt beverages, the commissioner may order that persons selling to retailers affix the stamps to invoices. Malt beverage retailers shall keep all such stamped invoices for two years, for examination by the department.

(5) In lieu of the affixture of stamps as the means of payment or evidencing payment of any of the taxes imposed by KRS 243.720, the Department of Revenue may prescribe, by rules and regulations designed reasonably to protect the revenue of the Commonwealth, a method of reporting, paying, and collecting such tax on any distilled spirits or wine without the use of stamps. If the department prescribes a method other than the affixture to containers of any distilled spirits or wine of stamps or other visible evidence of the payment of such tax, the tax imposed upon such distilled spirits or wine by KRS 243.720 shall be paid on or before the fifteenth day of the calendar month next succeeding the month in which the wholesaler acquires possession or title of such distilled spirits or wine made taxable by KRS 243.720; and the reporting and payment thereof within the time

prescribed by this subsection and in the manner prescribed by the Department of Revenue shall constitute a compliance with the provisions of KRS 243.740, 243.760, 243.770, 243.780, 243.820 and 243.840 relating to stamps or the affixture thereof.

(6) (a) From and after July 1, 1954, the purchase, affixation or cancellation of malt beverage excise tax stamps or tax crowns shall not be required in this state and the purchase, sale, possession, storage or transportation of malt beverages in containers to which tax stamps or tax crowns have not been affixed or attached shall not be unlawful, any and all requirements in this Chapter to the contrary notwithstanding.

(b) From and after July 1, 1954, the excise tax imposed on malt beverages in KRS 243.720 shall be paid, on or before the fifteenth day of the month following that in which such malt beverage is first sold in this state, to the Department of Revenue by the licensed wholesaler importing the malt beverage into this state or by the licensed brewer manufacturing and selling the malt beverage within this state.

(c) Each licensed wholesaler importing malt beverages into this state and each licensed brewer manufacturing and selling malt beverages in this state shall on or before the fifteenth day of each month beginning with the month of August, 1954, file with the Department of Revenue on forms prescribed by it, a verified report containing such information as may be required to compute the excise taxes payable by such wholesaler or brewer on malt beverages first sold in this state during the preceding calendar month. Payment of the tax due from each such licensed wholesaler or brewer in the amount disclosed by the report shall accompany the report to the Department of Revenue. The department is authorized to implement this act by the promulgation of such rules and regulations as may be necessary or advisable to reasonably protect the revenue of the Commonwealth.

(d) In order to secure the payment of the malt beverage excise tax, all persons required to file reports and pay the tax shall first enter into a surety bond with corporate surety, securing only the payment of the excise tax, both the surety and the form and amount of the bond to be approved by the Department

of Revenue. In fixing the amount of bond the department shall require a bond in total amount equal to twice the taxpayers estimated maximum monthly excise tax, ascertained in such manner as the department may deem proper. In any event the amount of such bond required of any one taxpayer shall not be less than $1,000.00 nor more than $5,000.00.

(e) The reporting and payment of the taxes within the time prescribed by this subsection and in the manner prescribed by the Department of Revenue shall constitute a compliance with the provisions of KRS 243.740, 243.760, 243.770, 243.780, 243.820 and 243.840 relating to stamps or the affixture thereof.

(f) The Department of Revenue shall make refunds or allowances to licensed brewers or wholesalers of the amount of the excise tax paid or payable on whole cases or full kegs of malt beverages sold in this state when such malt beverages have spoiled or otherwise become unfit for beverage purposes. The department shall prescribe the method of proof required to obtain such refunds or allowances.

(g) The Department of Revenue shall promulgate rules or regulations necessary to refund to brewers or to allow brewers credit for the amount of unused tax stamps or tax crowns in their possession on the effective date of this act.

By Mr. Rogers.

H. B. No. 525. AN ACT relating to presumption of death.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Application for administration of the estate of any serviceman who is reported by the branch of the armed forces of which he is a member as missing in action and presumed dead may be filed not less than one year following issuance of such report.

COMMITTEE REPORTS

Mr. Burnley, Chairman of the Committee on Rules, to which same had been referred, reported favorably the following bills and resolutions, viz:

S. R. No. 48. A JOINT RESOLUTION authorizing Sibbie Caskey Perkins of Rowan County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. R. No. 52. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission, in cooperation with the Judicial Council, of the Judicial Department of the Commonwealth of Kentucky and related matters.

S. R. No. 46. RESOLUTION authorizing Dewey Rice, individually, the personal representative of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice, to sue the Commonwealth of Kentucky and the State Highway Department of Kentucky or either.

S. B. No. 13. AN ACT to amend and re-enact Section 145 of the Constitution of the Commonwealth of Kentucky.

S. B. No. 143. AN ACT relating to the time and manner of paying taxes in cities of the second, third and fourth classes and amending Section 92.590 of the Kentucky Revised Statutes.

S. B. No. 236. AN ACT relating to loan and investment companies and amending Section 291.120 of the Kentucky Revised Statutes.

S. B. No. 137. AN ACT relating to highways and the financing thereof.

S. B. No. 49. AN ACT relating to judgment on two or more convictions and amending Section 288 of the Criminal Code of Practice.

S. B. No. 194. AN ACT relating to the qualifications of challengers for elections.

S. B. No. 136. AN ACT relating to Partnerships.

S. B. No. 245. AN ACT to amend Section 243.090 of the Kentucky Revised Statutes to provide for the suspension or the revocation of alcoholic beverage licenses for offenses committed prior to June 30 of each year.

S. B. No. 195. AN ACT relating to child desertion.

S. B. No. 239. AN ACT relating to the holding of elections in counties and cities of the second, third, fourth, fifth and sixth classes on the question of the issuance of bonds for the purpose of financing industrial buildings.

S. B. No. 165. AN ACT relating to the operation of municipally owned electric light and power plants, waterworks, gas plants, sewage disposal plants, electric, water and gas distribution systems, and sewerage systems in cities of the third class.

S. B. No. 215. AN ACT relating to appointment of deputy sheriffs in certain counties.

S. B. No. 173. AN ACT relating to county, quarterly and justices' courts, amending sections 25.470 and 25.660 of the Kentucky Revised Statutes.

S. B. No. 122. AN ACT relating to private corporations; and amending Section 271.025 of the Kentucky Revised Statutes.

Whereupon said bills and resolutions were read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

S. R. No. 49. A JOINT RESOLUTION authorizing Mrs. Emma McCoun and Mrs. Orene Swango Davis to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. R. No. 10. A JOINT RESOLUTION naming Edwin Carlile Litsey the Poet Laureate of Kentucky.

S. B. No. 203. AN ACT relating to public securities and authorizing the execution thereof by facsimile signatures and seals, providing at least one signature thereon shall be manually subscribed.

S. B. No. 243. AN ACT relating to probation and parole.

S. B. No. 242. AN ACT relating to probation and parole.

S. B. No. 244. AN ACT relating to circuit court stenographic reporters.

H. B. No. 364. AN ACT relating to neglect of children under the age of eighteen years, and amending Section 405.030 of the Kentucky Revised Statutes.

H. B. No. 502. AN ACT relating to practical nurses.

H. B. No. 514. AN ACT relating to chattel mortgages.

S. B. No. 166. AN ACT EMPOWERING AND AUTHORIZING cities of the second class to pass legislation providing for pensions for police court judges.

S. B. No. 230. AN ACT relating to prior service credit for Teachers Retirement purposes for veterans of World War I.

H. B. No. 459. AN ACT relating to city garbage disposal service and the collection of charges therefor from users thereof.

H. B. No. 447. AN ACT relating to child care.

H. B. No. 452. AN ACT relating to livestock markets and the posting of bond for the protection thereof.

H. Res. No. 97. A JOINT RESOLUTION authorizing the Legislative Research Commission to make a study of and report on the garnishment and execution laws of Kentucky.

H. B. No. 523. AN ACT relating to license taxes on theaters.

S. B. No. 160. AN ACT relating to condemnation for water supply by owner of real estate providing public sleeping accommodations and meals, etc.

S. B. No. 79. AN ACT concerning service of process on non-resident motorists.

S. B. No. 231. AN ACT relating to eggs and the marketing thereof.

H. B. No. 448. AN ACT relating to challengers at general, primary and special elections, etc.

S. B. No. 198. AN ACT relating to zoning and planning in cities of the first class and counties containing such cities.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills and resolutions be read for the second time by their titles only.

Said motion agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Clerk's desk a bill of the following title, viz:

House Bill No. 346. AN ACT relating to the registration of motor vehicles.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) No person residing in this state who is required by KRS 186.020 to 186.260 to register a motor vehicle in this state shall be issued a motor vehicle registration receipt or motor vehicle registration plate for such motor vehicle unless he shall, when applying for such receipt and plate, submit to the county clerk to whom such application is made a tax receipt, or other evidence, showing that he has paid in full all taxes on personal property, including franchises, subject to taxation in the county in which he resides, which, during the year next preceding that for which such registration receipt and plate are to be issued, fell due and payable by him to the state and to the county in which he resides. An owner of a motor vehicle who was neither liable for the payment of nor subject to such state and county taxes falling due and payable during such preceding year, shall be deemed to have complied with the requirements of this section if, when applying for such motor vehicle registration receipt and plate, he shall submit to the county clerk to whom such application is made a signed statement from the tax commissioner of the county in which he resides, certifying that

such owner was not liable for the payment of such taxes and was not subject to such taxes during such preceding year.

(2) The term "other evidence," as used in subsection (1) of this section, shall mean a statement signed by the sheriff of the county in which the owner of such motor vehicle resides.

Section 2. (1) No person residing in any city in this state levying and collecting taxes on personal property who is required by KRS 186.020 to 186.260 to register a motor vehicle in this state, shall be issued a motor vehicle registration receipt or motor vehicle registration plate for such motor vehicle unless he shall, when applying for such receipt and such plate, submit to the county clerk to whom such application is made, in addition to the information required in Section 1 of this Act, a tax receipt, or other evidence, showing that he has paid in full all taxes on personal property, including franchises, which, during the year next preceding that for which such registration receipt and plate are to be issued, fell due and payable by him to the city in which he resides. The term "other evidence," as used in this section, shall mean a statement signed by the official charged with the duty of collecting personal property taxes levied by the city in which the owner of such motor vehicle resides.

(2) An owner of a mtor vehicle who was neither liable for the payment of nor subject to the city taxes referred to in subsection (1) of this section falling due and payable during the year next preceding that for which such motor vehicle registration receipt and plate are to be issued, shall be deemed to have complied with the requirements of subsection (1) of this section if, when applying for such motor vehicle registration receipt and plate, he shall submit to the county clerk to whom such application is made a signed statement from the official charged with the duty of assessing personal property in the city in which he resides, certifying that such owner was not liable for the payment of such taxes and was not subject to such taxes during such preceding year. Nothing contained in this subsection shall be construed to relieve any person of the necessity of complying with the requirements of Section 1 of this Act.

(3) In the event the city in which such owner resides has, pursuant to KRS 132.225, elected to adopt and use the annual

assessment of the county in which such city is located as the basis upon which ad valorem tax levies on personal property are made by such city, the statement referred to in subsection (2) of this section shall be procured from the tax commissioner of such county.

Section 3. Compliance with the provisions of this Act shall not relieve the owner of any motor vehicle of the necessity of fulfilling all other requirements prescribed by law for the registration of motor vehicles in this state.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward T. Breathitt, Jr.	W. Marvin Davis
Walter J. Bailey	Edward O. Bridgers	C. E. Dowell
John Rhea Banton	Charles W. Buchanan	O. O. Duncan
Charles E. Baumgardner, Sr.	Harry M. Caudill	Addison L. Everett
Owen Billington	Cassius M. Clay	Herbert Fern
J. Murray Blue	William J. Conley	Thomas P. Fitzpatrick
J. C. Bradley	R. Josh Cosby	Cabell D. Francis
		W. L. Hadden

C. Ruby Harralson
George F. Harris
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William E. Maglinger
William C. Mann
Robert K. Montgomery
Walter R. Moorman
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
—63

Those who voted in the negative were—

Wallace Bartley
Paul Cobb
Charles W. Craig
Albert Dempsey
Harold G. Helm
David Heskamp
Varna Holt
Caleb McFadden
William J. Marcum
Alton B. Mitchell
Eddie J. Morris
Roger E. Qualls
Paul T. Ratcliffe
William A. Routh
LeRoy Saylor
James Treadway
Dr. Clyde D. Wooton
Paul E. Young
—18

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 228. AN ACT relating to retired policemen in cities of the second to sixth class.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. City policemen in cities of the second to sixth class who have been retired by the board of trustees of the pension fund of such cities shall be subject to recall for limited service in cases of emergency, if physically fit.

Section 2. In order that retired policemen be available for service in cases of emergency they shall be required to take an oath before the mayor to faithfully discharge the duties that may be imposed upon them. They shall also be required to give such bond to the city, and with such surety as may be required by ordinance.

Section 3. All retired policemen subject to the provisions of this Act shall be permitted to carry concealed firearms at all times.

Mr. Fitzpatrick moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	William J. Conley
Walter J. Bailey	J. Murray Blue	R. Josh Cosby
Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.	Vernor O. Cottengim
	Edward O. Bridgers	Charles W. Craig
		W. Marvin Davis

James A. Dressman, Jr.
O. O. Duncan
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
C. Ruby Harralson
David Heskamp
Lon C. Hill
Chester J. Holsclaw
William M. Horn
William L. Jones
Talmage Lacy
George H. Lovelace
Ralph E. McClanahan
Caleb McFadden
William E. Maglinger
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Alton B. Mitchell
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
W. W. Webster
Morris Weintraub
William B. Wells
Charles W. Wirsch
Dr. Clyde D. Wooton

—56

Those who voted in the negative were—

John Rhea Banton
Wallace Bartley
Leo A. Bleemel
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
John L. Day
Albert Dempsey
Harold Edmonds
Harold G. Helm
Henry R. Heyburn
Estill R. Hilton
Varna Holt
James W. Lambert
Walter R. Moorman
Goebel W. Newsom, Jr.
Foster Ockerman
Edward D. Pollitte
Russell Reynolds
William A. Routh
LeRoy Saylor
E. H. Stumbo
James Treadway
Hicks Wells
Mrs. Randolph Wilson
T. D. Winstead
Paul E. Young

—29

Resolved that the title thereof be as aforesaid.

Mr. L. M. Tipton Reed moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 391. AN ACT relating to an exception to the requirement of separate schools for white and colored students, as provided by Section 158.020 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The provisions of KRS 158.020 shall not apply to any non-tax-supported institution of learning whose governing authorities elect to admit students of both the white and colored races. Such institution may limit the election to certain institutions, grades, or prescribed courses of learning.

Mr. Anderson moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Walter J. Bailey	Charles E. Baumgardner, Sr.
	Wallace Bartley	

Owen Billington
Leo A. Bleemel
Edward T. Breathitt, Jr.
John Young Brown
Harry M. Caudill
Cassius M. Clay
Paul Cobb
Charles W. Craig
John L. Day
Albert Dempsey
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Cabell D. Francis
George F. Harris
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Talmage Lacy
James W. Lambert
George H. Lovelace
Caleb McFadden
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Dr. Clyde D. Wooton
Paul E. Young
—52

Those who voted in the negative were—

John Rhea Banton
Edward O. Bridgers
Charles W. Buchanan
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Varna Holt
William M. Horn
Ralph E. McClanahan
William E. Maglinger
Damon Majors
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Louis T. Peniston
Edward D. Pollitte
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Charles W. Wirsch
Walker H. Wiseman
—32

Resolved that the title thereof be as aforesaid.

Mr. Anderson moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 62. AN ACT relating to condemnation, purchase, financing and operation of waterworks by water districts or cities of second, third, fourth, fifth or sixth classes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Kentucky Revised Statutes is hereby created to read as follows:

Any Water District created pursuant to Chapter 74 of the Kentucky Revised Statutes or any city of the second, third, fourth, fifth or sixth class may, by purchase or by condemnation, acquire, establish, erect, maintain and operate waterworks, together with extensions and necessary appurtenances thereto, and including both real or personal property within or without the corporate limits of the said Water District or City, for the purpose of supplying the Water District or the City and its inhabitants thereof with water.

Section 2. A sewerage system may be acquired with a water system and joined in one project with the water system for the purpose of original financing.

Section 3. This Act shall not affect the provisions of any other Acts providing any alternate plan for the acquisition and operation of water ssytems.

Section 4. The Water District Commissioners of Water Districts or the legislative body of any of the aforesaid cities may agree with the owner or owners as to the value of said waterworks and purchase it at such value.

Section 5. For the purpose of defraying the cost of acquiring by condemnation, purchase or construction any such waterworks, including real and personal property of same and appurtenances or extensions thereto, the Water District or the City may borrow money and issue negotiable bonds, but only after a resolution has been adopted by the Water District Commissioners or an ordinance has been adopted by the legislative

body of the said city specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest the bonds are to bear.

Section 6. Bonds may be issued bearing interest at a rate not exceeding six percent per annum, payable semi-annually, and shall be executed in such manner and be payable at such times not exceeding forty years from the date thereof and at such place or places as the water district commissioners or the city legislative body determines.

Section 7. Bonds issued pursuant to this Act shall be negotiable and shall not be subject to taxation. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in such manner and upon such terms as the Water District Commissioners or the city legislative body deems for the best interest of the Water District or City, or any contract for the purchase or acquisition of any waterworks may provide that payment shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than six percent. The bonds shall be payable solely from the revenue funds derived from the waterworks and shall not constitute an indebtedness of the city within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it does not constitute an indebtedness of the city within the meaning of the Constitution.

Section 8. All moneys received from the bonds shall be applied solely for the purchase by agreement or condemnation or establishment or erection of the waterworks and extensions and appurtenances thereto, or to advance the payment of the interest on the bonds during the first three years following the date of the bonds. A statutory mortgage lien shall exist upon the waterworks and appurtenances and extensions so acquired in favor of the holders of the bonds and coupons.

Section 9. The waterworks so acquired, together with the extensions and appurtenances, shall remain subject to the statutory lien until the payment in full of the principal and interest

of the bonds. Any holder of the bonds or coupons may, by action at law or in equity, protect and enforce the lien and enforce and compel performance of all duties required by this Act, including the making and collecting of sufficient rates, the segregation of the income and revenue, and the application thereof.

Section 10. If there is any default in the payment of the principal and interest of any bond, any court having jurisdiction of the action may appoint a receiver to administer the waterworks on behalf of the Water District or city, with power to charge and collect rates sufficient to provide for the payment of any bonds or obligations outstanding against the waterworks and for the payment of the operating expenses, and to apply the income and revenue in conformity with the provisions of this Act and in conformity with the resolution adopted by the Water District Commissioners or the ordinance adopted by the city legislative body as hereinbefore set out.

Section 11. At or before the issuance of the bonds the Water District Commissioners shall, by resolution, or the city legislative body shall, by ordinance, set aside and pledge the income and revenue of the waterworks into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. The resolution or ordinance shall definitely fix and determine the amount of revenue necessary to be set apart and applied to the payment of the principal and interest of the bonds, and the proportion of the balance of the income and revenues to be set aside as a proper and adequate depreciation account, and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance of the waterworks. The rates to be charged for service from the waterworks shall be fixed and revised from time to time so as to be sufficient to provide for payment of interest upon all bonds and to create a sinking fund to pay the principal thereof when due, and to provide for the operation and maintenance of the waterworks and an adequate depreciation account.

Section 12. If a surplus is accumulated in the operating and maintenance funds equal to the cost of maintaining and

operating the waterworks during the remainder of the calendar, operating or fiscal year and during the succeeding like year, any excess over such amount may be transferred at any time by the Water District Commissioners or city legislative body to the depreciation account, to be used for improvements, extensions or additions to the waterworks.

Section 13. The funds accumulating to the depreciation account shall be expended in balancing depreciation in the waterworks or in making new constructions, extensions or additions thereto. Any such accumulations may be invested as the Water District Commissioners or city legislative body may designate and if invested the income from such investments shall be carried into the depreciation account.

Section 14. The reasonable cost and value of any service rendered to the city by the waterworks may be charged against the city and shall be paid for monthly as the service accrues from the current funds or proceeds of taxes which the city shall levy in an amount sufficient for that purpose. The funds so paid shall be accounted for in the same manner as other revenues of the waterworks.

Section 15. The Water District or city may issue new bonds to provide funds for the payment of any outstanding bonds, in accordance with the procedure prescribed by this Act. The new bonds shall be secured to the same extent and shall have the same source of payment as the bonds refunded.

Section 16. If the Water District Commissioners or city legislative body finds that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued in the same manner.

Section 17. Any Water District or city acquiring any waterworks pursuant to the provisions of this act may, at the time of issuing the bonds for such acquiistion, provide for additional bonds for extensions and permanent improvements to be placed in escrow and to be negotiated from time to time as proceeds for that purpose may be necessary, or the Water District or city may, at any time, provide for the extension, addition or improvement of the waterworks by an additional

issue of bonds. Bonds placed in escrow shall, when negotiated, have equal standing with the bonds of the same issue.

Section 18. The Water District Commissioners of a water district may provide by resolution or the city legislative body may provide by ordinance such provisions and stipulations for the administration of the income and revenues of the waterworks and for the security of the bondholders as it deems necessary.

Section 19. Thei resolutions or ordinances required by this Act may set apart a fund equal to the amount of any secured debt or charge subject to which a waterworks is acquired, and shall set aside to that fund, from the balance of the income and revenues of the waterworks remaining after setting aside the funds for payment of principal and interest of bonds, a sum sufficient to comply with the requirements of the instrument creating the lien or securing the charge. If the instrument does not make any provision therefor, the resolution or ordinance shall fix and determine the amount that shall be set aside for interest on the secured debt or charge and a fixed amount to pay the principal thereof at maturity. Any surplus after satisfying the secured debt or charge may be used for the redemption of the principal and interest of bonds. Bonds may be issued pursuant to the provisions of this Act in exchange for or in satisfaction of such secured debt or charge, or may be sold and the proceeds applied in payment of the secured debt or charge at or before maturity.

Section 20. No city of the second, third, fourth, fifth or sixth class which owns a waterworks system shall sell, convey, rent or lease said system without the assent of two-thirds of the total number of the legal voters of the city, voting at an election held for that purpose after sixty consecutive days notice of the election next before the date of the election has been published in the newspaper having the largest circulation in the city. In the event that no newspaper is published in the city, notice shall be given by handbills posted up in at least ten public places in the city for not less than sixty days prior to the date of the election. This section shall not apply to the issuance of revenue bonds provided for under the provisions of this Act.

Section 21. Except as otherwise specifically provided in this Act the Water District Commissioners of the Water District and the legislative body of the municipalities shall exercise all powers conferred by virtue of this Act. Any Board operating under the provisions of this Act shall have the legal power and capacity to perform any act not repugnant to law and shall have the express power and capacity to do any and all acts or things necessary or convenient for the carrying out of the purposes of this Act, including but not by way of limitation, the following express powers:

(a) Acquire, hold and dispose of property, real and personal, tangible and intangible, necessary or incident to the proper conduct of its business.

(b) Construct, acquire, own, lease, operate, maintain and improve plants or works for the production, pumping, filtration, treatment, distribution or sale of water and may provide water service to any user or consumer within and without the boundaries of said Water District or municipality and may charge and collect reasonable rates therefor.

(c) Construct, own, lease, rent operate and control any and all works, buildings, facilities and equipment across, along, or under any street or public highway, and over any lands which are now or may be the property of the Commonwealth of Kentucky or of any county or municipality within this Commonwealth. The Water District or municipality shall, however, at its own expense, restore any such street or highway to its former condition and state as nearly as may be possible and shall not use the same in a manner as to impair its usefulness or to interfere with or obstruct the maintenance thereof. Before exercising these powers the board shall obtain a permit or consent or approval in writing from the governing authority of the municipality, or the fiscal court, or the Department of Highways having appropriate jurisdiction over any and all of such respective streets or public highways.

(d) Accept gifts, grants of property, real or personal, including money, from any person, municipality, or federal agency, or both, and to accept voluntary and uncompensated services; provided, however, that when engineering services are required

by any Water District or municipality to render any services authorized or required or incident to surveys, plans, estimates of cost, or the valuation of property, or in the preparation of reports authorized by this Act, no engineer who is engaged in whole or in part in the business of buying or selling any water works or water distribution system equipment, machinery, fixtures, materials, supplies, or the sale or purchase of bonds shall be eligible for employment or for any services whatsoever under the provisions of this Act. The limitations hereinabove provided shall also apply to any firm of engineers and to any member of any firm of engineers, if the firm or member of the firm is engaged in whole or in part in the businss of buying or selling any waterworks or water distribution system machinery, equipment, fixtures, materials, supplies, or the sale or purchase of bonds; and no such firm or member of such firm shall be eligible for employment or for any service whatsoever under the provisions of this Act. Provided, further, that the provisions of this Act shall not be construed to prohibit the board or the governing authority of any Water District or municipality from obtaining the advice or services of any engineer in the regular employment of the State or any Federal governmental agency.

(e) Contract debts and borrow money for the acquisition or improvement of any water plant and appurtenances thereto, issue bonds to finance such acquisition or improvement, provide for the rights of holders of the bonds and to secure the bonds as hereinafter provided, and pledge all or any of the net revenues derived from sale of water to the payment of such debts or repayment of money borrowed.

(f) Acquire, hold, and, subject to the provisions of this Act, and the applicable, provisions of any bonds or contracts, dispose of any property, real or personal, tangible or intangible, or any right or interest in any such property in connection with any water plant and appurtenances thereto and whether or not subject to mortgages, liens, charges, or other encumbrances, subject to the provisions and requirements of this Act.

(g) Make contracts and execute instruments containing such covenants, terms, and conditions as in the discretion of the board may be necessary, proper, or advisable for the purpose of

obtaining loans from any source, or grants, loans or other financial assistance from any governmental agency, including, but without limitation, covenants, terms, and conditions with respect to the acquisition or construction of any water plant and appurtenances thereto or any improvement thereto with money in whole or in part borrowed from or granted by any governmental agency; make all other contracts and execute all other instruments as in the discretion of the board may be advisable in or for the furtherance of the acquisition, improvement, operation and maintenance of any water plant and appurtenances thereto and the furnishing of water service; and carry out and perform the covenants, terms, and conditions of all such contracts or instruments.

(h) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in connection with the acquisition, improvements, operation or maintenance of any water plant and appurtenances thereto and the furnishing of water service.

(i) Do all acts and things necessary or convenient to carry out the powers expressly given in this Act.

(j) Make any contracts necessary or convenient for the full exercise of the powers herein granted, including, but not limited to, contracts for either the purchase or sale or both the purchase and sale of water and contracts for the acquisition or improvement of all or any part of a water plant and appurtenances thereto; and in connection with any such contract with a governmental agency, the board may stipulate and agree to such covenants, terms, and conditions as the governing body deems appropriate including, but without limitation, covenants, terms and conditions with respect to the resale rates, financial and accounting methods and the manner of disposing of the revenue of the water plant and appurtenances thereto conducted and operated by the board.

Section 22. Any water district or municipality referred to herein shall have the right to acquire by exercise of the power of eminent domain all lands, easements, rights-of-way, either upon or under or above the ground, any existing water plant or water distribution system and appurtenances thereto, or any

part of same, within the boundaries or corporate limits of such water district or city, and any and all real estate, franchises or personal property reasonably necessary or desirable in connection with the construction or operation or maintenance of water plants or water distribution systems, or improvements or extensions thereto, and the right to acquire same is hereby declared to be a superior and paramount right, superior and paramount to any other public use, and further provided that as in the eminent domain proceedings to acquire from any public or private utility a water plant or water distribution system the property condemned must include all the property owned by the utility within the corporate limits of the said water district or the city which is used or useful in connection with the business of providing water service.

The condemnation or eminent domain proceedings shall be brought in the name of the water district or in the name of the municipality, and title to the property so condemned shall be taken in the name of the water district or municipality as the case may be.

Section 23. (1) When the board of any water district or municipality authorized to acquire, construct, own or operate a water works or water distribution system and appurtenances thereto, under the provisions of this Act shall be unable to contract with the owner of any land, easements, rights-of-way, water works, water distribution systems and appurtenances thereto, or any facilities or property needed by such board for its use for the purposes thereof and desires to exercise the right of eminent domain, the board shall file in the office of the Clerk of the Circuit Court a particular description of the property sought to be condemned, and may apply to the Circuit Court to appoint commissioners to assess the damages the owner or owners thereof may be entitled to receive, and thereupon said court shall appoint three impartial housekeepers of the county who are land owners, and who shall be sworn to faithfully and impartially discharge their duties under this law.

(2) It shall be the duty of said commissioners to ascertain and determine the value of the property taken, the value of real estate, tangible personal property, intangible property and fran-

chises if any such value is found to exist shall be determined and stated separately in their report; and they shall also award damages, if any, resulting to the remainder of the water works, water distribution system and appurtenances thereto of the owner, considering the purposes for which the property is taken, and the amount of said damages, if any, shall be stated separately in their report. They shall return a report, in writing, to the office of the clerk of said court, stating their award, and shall describe in their report the property condemned, give the name of the owners, and whether non-residents of the State, infants, of unsound mind, or married women.

(3) Upon the application of the said water district commissioners or the legislative body of the municipality herein referred to as the Board, and upon filing such affidavits as may be necessary, the clerk of said court shall issue process against the owner or owners to show cause why the said report should not be confirmed, and shall make such orders as to non-residents and persons under disability as are required by the Rules of Civil Procedure in actions against them in the Circuit Court.

(4) At the first regular term of the Circuit Court, after the owners shall have been summoned the length of time prescribed by the Rules of Civil Procedure before an answer is required in Circuit Court, it shall be the duty of the court to examine said report, and if it shall appear to be in conformity to this law, and to the extent that no exceptions have been filed thereto by either party, it shall confirm said report as against the owners not excepting.

Section 24. When exceptions shall be filed by either party, the court shall forthwith cause a jury to be impaneled to try the issues of fact made by the exceptions. In assessing the damages, the jury shall be governed by the rule hereinabove prescribed governing the commissioners and their report. If sufficient cause be not shown for setting aside the verdict, the court shall render judgment in conformity thereto, and shall make such orders as may be proper for the conveyance of the title to the property condemned upon the payment of the damages assessed. Either party may appeal to the Court of Appeals as provided in the Rules of Civil Procedure.

Section 25. Any action challenging the validity of any resolution adopted by any water district commissioners of a water district or challenging the validity of any ordinance adopted by the legislative body of any of the cities electing to operate under this Act, any bond resolution or ordinance, or other resolution or ordinance, shall be brought within sixty (60) days from the date on which such resolution or ordinance was adopted, as the case may be, and if such action challenging the validity of same is not brought within such time the same shall be forever barred.

Section 26. (1) Bonds issued pursuant to this Act by water district commissioners and by a legislative body of a municipality may be issued in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty (40) years from their respective dates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be sold or hypothecated in such blocks, may be subject to such terms of repurchase or redemption of all or any of said bonds before maturity in such manner and at such price or prices, not exceeding one hundred and five and accrued interest, as may be fixed by the board prior to the sale of the bonds.

(2) The board at any time may issue and sell revenue bonds to finance improvement or issue and sell refunding bonds for the purpose of providing funds for the payment of any outstanding bonds issued in accordance with the provisions of this Act. Such new bonds shall be issued, sold and secured in accordance with the provisions of this Act for the issuance of the original revenue bonds.

(3) All revenue bonds issued pursuant to the provisions of this Act in the hands of bona fide holders, shall have all the qualities and incidents of negotiable instruments under the law merchant. All bonds shall be sold to the highest responsible bidder at such time and place as shall have been fixed by the board in the notice of the sale of said bonds, which notice shall have been advertised once each week for at least two consecutive

weeks in a newspaper of general circulation in said municipality. The board shall receive written, sealed competitive bids, which shall be publicly opened and read at the time and place specified in the notice of sale. The board may reject all bids and readvertise. No revenue bonds shall be sold for less than par, plus accrued interest, and no bonds shall bear interest at a rate in excess of six per cent (6%) per annum, interest payable semiannually.

Section 27. Neither the Public Service Commission nor any other board, commission or agency of Kentucky shall, unless in the future expressly authorized, have any jurisdiction over such water district or municipality, operation, management and control of any water plant or water distribution system or appurtenances thereto, or any power or authority over the regulation of rates or charges.

Section 28. In the event that any part of this Act is declared unconstitutional or void, it shall not effect the constitutionality or validity of any of the other parts of this Act.

Mr. Weintraub moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey	Estill R. Hilton	Louis T. Peniston
John Rhea Banton	William M. Horn	Edward D. Pollitte
J. Murray Blue	Talmage Lacy	Paul T. Ratcliffe
J. C. Bradley	James W. Lambert	L. M. Tipton Reed
Harry M. Caudill	Harry King Lowman	Russell Reynolds
Cassius M. Clay	Ralph E. McClanahan	Lloyd E. Rogers
Paul Cobb	Caleb McFadden	William A. Routh
R. Josh Cosby	William E. Maglinger	Cecil C. Sanders
Vernor O. Cottengim	William C. Mann	LeRoy Saylor
W. Marvin Davis	William J. Marcum	W. R. Smith
John L. Day	George R. Martin	Mrs. Thelma L. Stovall
Albert Dempsey	Carl D. Melton	Morris Weintraub
James A. Dressman, Jr.	Tom Mobley	William B. Wells
Addison L. Everett	Walter R. Moorman	Charles W. Wirsch
Thomas P. Fitzpatrick	Fred Morgan	Walker H. Wiseman
Cabell D. Francis	Eddie J. Morris	Dr. Clyde D. Wooton
Harold G. Helm	Goebel W. Newsom, Jr.	Paul E. Young
David Heskamp		
Lon C. Hill	Foster Ockerman	—54

Those who voted in the negative were—

Wallace Bartley	Harold Edmonds	Roger E. Qualls
Charles E. Baumgardner, Sr.	Herbert Fern	Jack Raybourne, Jr.
Owen Billington	W. L. Hadden	Hobart Rayburn
Leo A. Bleemel	C. Ruby Harralson	E. H. Stumbo
Edward T. Breathitt, Jr.	George F. Harris	C. Waitman Taylor
Edward O. Bridgers	Henry R. Heyburn	James Treadway
John Young Brown	Chester J. Holsclaw	Eulick Walsh
Charles W. Buchanan	Varna Holt	Will Tom Wathen
William J. Conley	George H. Lovelace	W. W. Webster
	Damon Majors	Hicks Wells
	Robert K. Montgomery	—30

Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 461. AN ACT relating to traffic regulation and amending Section 189.450 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.450 of the Kentucky Revised Statutes is hereby amended to read as follows:

"(1) No person shall stop a vehicle, leave it standing or cause it to stop or to be left standing upon the main traveled portion of a highway; provided, however, that this section shall not be construed to prevent parking off the main traveled portion of a highway or street in a city or suburban area where such parking is otherwise permitted. This subsection shall not apply to:

(a) A vehicle that has been disabled while on the main traveled portion of such a highway in such a manner and to such extent that it is impossible to avoid the occupation of the main traveled portion or impracticable to remove it from the highway until repairs have been made or sufficient help obtained for its removal and shall not apply to wreckers at the scene of accidents or emergency vehicles.

(b) Motor vehicles when required to stop in obedience to the provisions of any section of the Kentucky Revised Statutes or any traffic ordinance, regulation or sign or the command of any peace officer.

(c) Vehicles operating as common carriers of passengers for hire and school busses while taking passengers on such vehicle or discharging passengers therefrom, provided that such vehicle shall not stop for such purposes at any point within 150 feet from the brow of a hill or within 150 feet from a curve or

when a view of any vehicle approaching from either direction is obstructed for a distance of 150 feet.

(d) Any vehicle required to stop by reason of an obstruction to its progress.

(2) Whenever any police officer finds a vehicle standing upon such a highway in violation of this section, he may move the vehicle, or require the operator or other person in charge of the vehicle to move it, to a position off the paved or improved or main traveled part of the highway.

(3) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in a tunnel where the vehicle constitutes an obstruction to traffic, the officer may provide for the removal of the vehicle to the nearest garage or other place of safety.

(4) No person shall stop or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in the following places:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) At any place where official signs prohibit stopping; or

(e) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.

(5) No person shall move a vehicle not lawfully under his control into any such prohibited area."

Mr. Breathitt moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Walter J. Bailey
John Rhea Banton
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
Varna Holt
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
James Treadway
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
T. D. Winstead
Dr. Clyde D. Wooton
Paul E. Young

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Those who voted in the negative were—

Goebel W. Newsom, Jr. LeRoy Saylor —2

Resolved that the title thereof be as aforesaid.

Mr. Breathitt moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 34. AN ACT relating to the method of financing improvements to streets in cities of the second to the sixth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Subsection (6) of section 94.317 of the Kentucky Revised Statutes is hereby amended to read as follows:

"The city treasurer shall cause to be placed upon the regular city tax bills each installment due under subsection (3) or (4) of this section, with the interest payments due under subsection (5) of this section added thereto so as to make one sum. If such sum is not paid by the date the regular city taxes covered by the bill are due, the sum shall bear interest, at the rate applicable to regular city taxes, from that date until the date as of which the regular city taxes covered by the bill become subject to interest and penalty. The sum shall then become subject to interest and penalty the same as the regular city taxes, and shall be collectible and be collected in the same manner and by the same methods and remedies as the regular city taxes, except that the provisions of KRS 92.670 shall not apply. The improvement tax installments shall be paid to the officer who is authorized to receive payments of regular city taxes. However, no discount allowable for early payment of regular city taxes shall be allowed for early payment of an improvement tax."

(2) Section 94.317 of the Kentucky Revised Statutes is amended so as to add the following subsections:

"(8) In the original ordinance providing for a public improvement the city legislative body shall have the further alternative of providing that the improvement tax shall be payable in a certain number of installments determined by the city, not exceeding a total of 20 annual installments. The city legislative body shall have the right to determine on what date the first installment shall fall due, the dates of the subsequent installments and the times when interest shall become due for the period from the original due date for the improvement tax to the dates upon which the principal amounts of such improvement tax fall due. If any improvement tax or installment or installments of same are not paid in accordance with the provisions adopted by the legislative body of the city under such alternative plan, the amount or amounts owing may be placed upon the regular city tax bills next becoming due, and said amounts shall be collected in the same manner, by the same persons and subject to the same provisions as to interest and penalties as govern the collection of regular city taxes.

"(9) In any case in which a judgment of a court has been obtained against a city, under which such city has been ordered to collect any improvement tax, such city shall have the right and power to issue bonds payable during a period not exceeding 20 years from their date, use the proceeds of such bonds to retire the indebtedness for which the city was required to collect such improvement tax and provide that such improvement tax, together with interest thereon, shall be payable at such times and in such installments as may be necessary to retire the principal and interest on such bonds issued. Such bonds, when issued, shall be negotiable, and the holder or holders of same shall be entitled to all of the rights and privileges which exist in favor of the holders of all other bonds issued pursuant to the provisions of sections 94.290 through 94.325 of Kentucky Revised Statutes. The city, in connection with the issuance of such bonds, shall have the right to make such binding covenants as it may deem necessary for the protection of the holders of such bonds."

(3) Section 94.321 of the Kentucky Revised Statutes is amended so as to add the following subsections:

"(8) If a city adopts the alternative provided for under subsection (8) of section 94.317 of Kentucky Revised Statutes, such city shall have the right to issue bonds maturing at such times as may be determined by the city, not exceeding 20 years from their date, and shall pledge such improvement tax provided for under subsection (8) of section 94.317 of Kentucky Revised Statutes to the payment of such bonds. Such bonds shall be negotiable, and the holder of same shall be entitled to all rights and privileges granted to the holders of any other bonds which are issued pursuant to the provisions of sections 94.290 through 94.325 of Kentucky Revised Statutes. The city shall have the right to make such covenants in connection with the issuance of such bonds as may be deemed necessary for the protection of the holders of same.

"(9) Any bonds issued under the provisions of this section may be designated as 'Improvement Revenue Bonds,' with the assessments herein provided treated as revenues of such improvements and pledged to the payment of said bonds in the same manner as other revenue bonds authorized by law. The street improvements or other improvements herein referred to may be combined with any other revenue project as one revenue project which may be financed by the issuance of revenue bonds under the provisions of this or any other law. The proceeds of the installment payments herein authorized may be pledged to the payment of such revenue bonds in the same manner as the revenues of any other public revenue project and in the same manner as any part of any public revenue project combined with such improvements."

(4) Subsection (1) of section 94.322 of the Kentucky Revised Statutes is hereby amended to read as follows:

"Improvement bonds issued under KRS 94.321, and the interest thereon, shall be payable exclusively out of the funds actually collected by the city on account of the improvement taxes in anticipation of which the bonds are issued, and, except as provided in KRS 94.305, KRS 94.323 and herein, the city shall in no event be liable on any such bonds except to the extent of funds so actually collected. If, after the collection by the city of the improvement tax from property owners, any

improvement bonds or interest thereon remain unpaid, the city shall thereupon be personally and directly liable for the unpaid balance of such interest and principal and shall levy and collect to the extent necessary general taxes for the payment thereof."

(5) Subsection (3) of section 94.322 of the Kentucky Revised Statutes is hereby amended so as to read as follows:

"(3) After the issue of bonds no suit shall lie to enjoin or resist the collection of any improvement tax in anticipation of which the bonds are issued, and the validity of the same shall not be questioned, but all property owners shall be conclusively estopped from assailing the effectiveness or validity thereof, nor shall any suit be brought or defended on the ground that the assessment exceeded the maximum percentage of the value of the real estate levied against as provided in KRS 94.305

"Any action challenging the validity of any ordinance, resolution or other action taken by the city in connection with the issue of bonds shall be brought within 30 days from the date on which the bond ordinance was adopted authorizing the issuance of such bonds and if not brought within such time shall be forever barred.

"Any municipality exercising any of the powers granted under KRS 94.290 through 94.325 and any person accepting benefits conferred thereby shall be estopped to question the validity of any provision of KRS 94.290 through 94.325."

(6) If any section, paragraph, clause or provision of this Act should ever be held invalid, such shall not affect the validity of all remaining provisions of this Act, it being the intent that this Act should be severable in its provisions.

Mr. Ockerman offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, section 1, line 3, by striking the word "shall" and inserting in lieu thereof the word "may"

Said motion agreed to.

Said amendment adopted by voice vote.

Mr. Ockerman offered the following amendment and moved its adoption.

Amendment No. 2—On page 2, section 2, line 35, by striking the word "shall" and inserting the word "may"

Said motion agreed to.

Said amendment adopted by voice vote.

Mr. Ockerman offered the following amendment and moved its adoption.

Amendment No. 3—On page 5, section 4, immediately at the end of line 100 by adding the following words: "or may issue funding bonds, the proceeds of which shall be used to retire such unpaid balance of interest and principal, such funding bonds to be payable from general taxes levied and collected to the extent necessary."

Said motion agreed to.

Said amendment adopted by voice vote.

Mr. Ockerman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Walter J. Bailey	Charles E. Baumgardner, Sr.
	John Rhea Banton	

Owen Billington
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
John L. Day
Albert Dempsey
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
Varna Holt
William M. Horn
Talmage Lacy
James W. Lambert
George H. Lovelace
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
T. D. Winstead
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed a resolution originating in that body as follows, viz:

S. Res. No. 51. A JOINT RESOLUTION directing the Legislative Research Commission to study the desirability of

merging all independent school districts with their respective county school districts.

Said resolution is as follows, viz:

WHEREAS, it has been suggested that merger of independent school districts with their respective county school districts would be a step forward in improvement of the public schools of the Commonwealth of Kentucky; and

WHEREAS, it is necessary that information be gathered on which the members of future sessions of the General Assembly can base their opinion on this subject; and

WHEREAS, the Legislative Research Commission has the staff to make a comprehensive study of such subject,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission be and it is hereby directed to make a study of the desirability of merging independent school districts with their respective county school districts, and that the findings of such study be reported to the 1956 session of the General Assembly of the Commonwealth of Kentucky.

Ordered that said resolution be printed and referred.

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 16. AN ACT relating to operation of motor vehicles while under influence of intoxicating liquor or narcotic drugs, etc.

With Senate amendments attached thereto.

With the request that the House concur in said amendments.

H. B. No. 96. AN ACT relating to fraudulent display of badges of organizations and amending KRS etc.

Ordered that said bill be delivered to the enrolling clerk.

H. B. No. 179. AN ACT relating to the Kentucky Disabled Ex-Service Men's Board.

Ordered that said bill be delivered to the enrolling clerk.

H. B. No. 192. AN ACT relating to signals.

Ordered that said bill be delivered to the enrolling clerk.

H. B. No. 169. AN ACT relating to appointment and compensation of police court clerks in cities of second class, etc.

With Senate amendments attached thereto.

With the request that the House concur in said amendments.

H. B. No. 247. AN ACT relating to State ad valorem taxes.

Ordered that said bill be delivered to the enrolling clerk.

H. B. No. 146. AN ACT relating to compensation of coroners, etc.

With Senate amendments attached thereto.

With the request that the House concur in said amendments.

H. B. No. 140. AN ACT amending KRS 64.150 relating to fees of jailers and increasing certain fees.

With Senate amendment attached thereto.

With the request that the House concur in said amendment.

The following bills, passed by the Senate, were ordered delivered to the enrolling clerk.

H. B. No. 335. AN ACT amending KRS, relating to compensation and expenses of plaintiffs and their attorneys in class action or in cases in which plaintiffs have a common interest.

H. B. No. 422. AN ACT relating to grazing of livestock on certain public grounds, etc.

H. B. No. 323. AN ACT relating to disposition of persons convicted of crime in police courts in cities of first and fourth classes.

H. B. No. 321. AN ACT relating to airport boards and city-county boards in cities of first class.

H. B. No. 350. AN ACT relating to the establishment of public pounds in counties containing a city of first class.

H. B. No. 490. AN ACT relating to condemnation by Department of Highways and declaring an emergency.

H. B. No. 184. AN ACT relating to fees of Court Commissioners and receivers.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 309. AN ACT relating to the uniform reciprocal enforcement of support for dependents, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 407.010 of Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

407.010 *Short Title: Purpose.* (1) This chapter may be cited and referred to as the "Uniform Support of Dependents Act."

(2) The purposes of this act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the laws with respect thereto.

Section 2. *Definitions.* As used in this act unless the context requires otherwise,

(1) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) "Court" means the circuit or county court of this state and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance or otherwise.

(7) "Obligor" means any person owing a duty of support.

(8) "Obligee" means any person to whom a duty of support is owed.

Section 3. *Remedies Additional to Those Now Existing.* The remedies herein provided are in adidtion to and not in substitution for any other remedies.

Section 4. *Extent of Duties of Support.* Duties of support arising under the law of this state, when applicable under Section 7, bind the obligor, present in this state, regardless of the presence or residence of the obligee.

Section 5. *Interstate Rendition.* The Governor of this state (1) may demand from the Governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state and (2) may surrender on demand by the Governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or other state.

Section 6. *Relief from the Above Provisions.* Any obligor contemplated by Section 5, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or non-support entered in the courts of this state during the period of such compliance.

Section 7. *Choice of Law.* Duties of support applicable under this act are those imposed or imposable under the laws of any state where the obigor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

Section 8. *Remedies of a State or Political Subdivision Thereof Furnishing Support.* Whenever the state or a political subdivision thereof furnishes support to an obligee, it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support.

Section 9. *How Duties of Support Are Enforced.* All duties of support are enforceable by action irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the circuit or county court.

Section 10. *Contents of Complaint for Support.* The complaint shall be verified and shall state the name and, so far as known to the plaintiff, the address and circumstances of the defendant, his dependents for whom support is sought and all other pertinent information. The plaintiff may include in or attach to the complaint any information which may help in locating or identifying the defendant including, but without limitation by enumeration, a photograph of the defendant a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his finger prints, or Social Security number.

Section 11. *Officials to Represent Plaintiff.* The county attorney, upon the request of the court or an appropriate welfare official or state agency, shall represent the plaintiff in any proceeding under this act.

Section 12. *Petition for a Minor.* A complaint on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.

Section 13. *Duty of Court of This State as Initiating State.* If the court of this state acting as an initiating state finds that the complaint sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, it shall so certify and shall cause three copies of (1) the complaint (2) its certificate and (3) this act to be transmitted to the court in the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

Section 14. *Costs and Fees.* A court of this state acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this state, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both plaintiff and defendant, or either, shall be paid by the county. Where the action is brought by or through the state or an agency thereof, there shall be no filing fee.

Section 15. *Jurisdiction by Arrest.* When the court of this state, acting either as an initiating or responding state, has reason to believe that the defendant may flee the jurisdiction it may (a) as an initiating state request in its certificate that the court of the responding state obtain the body of the defendant by appropriate process if that be permissible under the law of the responding state; or (b) as a responding state, obtain the body of the defendant by appropriate process.

Section 16. *State Information Agency.* The Department of Economic Security is hereby designated as the State Information Agency under this act, and it shall be its duty:

(1) To compile a list of the courts and their addresses in

this state having jurisdiction under this act and transmit the same to the State Information Agency of every other state which has adopted this or a substantially similar act.

(2) To maintain a register of such lists received from other states and to transmit copies thereof as soon as possible after receipt to every court in this state having jurisdiction under this act.

Section 17. *Duty of the Court of This State as Responding State.* When the court of this state, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) notify the county attorney, (3) set a time and place for a hearing, and (4) take such action as is necessary in accordance with the laws of this state to obtain jurisdiction.

Section 18. *Further Duty of Responding Court.* If a court of this state, acting as a responding state, is unable to obtain jurisdiction of the defendant or his property due to inaccuracies or inadequacies in the complaint or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the defendant or his property, and shall hold the case pending the receipt of more accurate information or an amended complaint from the court in the intiating state.

Section 19. *Procedure.* The court shall conduct proceedings under this act in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed.

Section 20. *Order of Support.* If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order.

Section 21. *Responding State to Transmit Copies to Initiating State.* The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor.

Section 22. *Additional Powers of Court.* In addition to the foregoing powers, the court of this state when acting as the

responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular;

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to the clerk of the court or an official designated by the court or the obligee and to report personally to such clerk at such times as may be deemed necessary.

(c) To punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

Section 24. *Additional Duty of the Court of This State when Acting as a Responding State.* The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk of the court or official designated by the court:

(a) Upon the receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant.

Section 24. *Additional Duty of the Court of This State When Acting as an Initiating State.* The court of this state when acting as an initiating state shall have the duty which may be carried out through the clerk of the court or the official designated to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state.

Section 25. *Evidence of Husband and Wife.* Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this act.

Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage.

Section 26. *Rules of Evidence.* In any hearing under this law, the court shall be bound by the same rules of evidence that bind the Juvenile Court.

Section 27. *Application of Payments.* Any order of support issued by a court of this state when acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

Section 28. *Effect of Participation in Proceeding.* Participation in any proceedings under this act shall not confer upon any court jurisdiction of any of the parties thereto in any other proceedings.

Section 29. *Repealer.* Sections 407.020, 407.030, 407.040, 407.050, 407.060, 407.070, 407.080, and 407.090 of Kentucky Revised Statutes are hereby repealed.

Section 30. *Time of Taking Effect.* This act shall take effect on July 1, 1954.

Mr. Wathen offered the following amendment and moved its adoption.

Amendment No. 1—On page 3, section 5, line 14. Delete "purusant" and substitute "pursuant".

Said motion was agreed to.

Said amendment adopted.

Mr. Wathen moved the Previous Question.

Whereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
John Young Brown
Charles W. Buchanan
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
C. Ruby Harralson
George F. Harris
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Will Tom Wathen
W. W. Webster
Hicks Wells
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Those who voted in the negative were—

Albert Dempsey	Varna Holt	James Treadway
Harold G. Helm	LeRoy Saylor	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Wathen moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 284. AN ACT relating to the registration and licensing of the termite and pest control industry.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Agriculture, Labor and Statistics;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(3) "Board" means the State Board of Agriculture;

(4) "Insect" means all arthropods, mollusks, and annelid worms, except those producing disease in man;

(5) "Rodent" means the order rodentia and other pestiferous vertebrate animals;

(6) "Termite" means termite as commonly used as well as other cellulose-destroying organisms of all types;

(7) "Owner" means any individual, firm, partnership, corporation, organization, association, or any combination thereof who own a business for the purpose of applying or using in-

secticides, fungicides, or rodenticides for the control of termites, rodents, or insects, or who for hire or compensation owns a business for controlling, destroying, preventing, repelling, inspecting for or identifying insects, rodents, or termites, or offering advice regarding control methods of sanitation procedures relative to insects, rodents, or termites. Excluded under these definitions are textile manufacturers, cleaners, or furriers who treat fabrics or furs in their place of business exclusively.

Section 2. Any owner who conducts a business for the purpose of applying insecticides, fungicides, or rodenticides for the control of termites, rodents or insects shall register with the department, on a form to be supplied by the department, before such owner shall engage in any such business in Kentucky. Every owner shall register annually and shall pay an annual fee of one hundred dollars for each place of business maintained in Kentucky during the year. The registration and annual fee shall also be paid by any owner maintaining a place of business outside Kentucky but who engages in business within Kentucky. Every nonresident owner shall designate a resident agent upon whom service of notice or process may be made to enforce the provisions of this Act or any liabilities arising from the operations hereunder. Every owner, or his designated representative, at the time of his initial registration, shall be required to pass a reasonable examination to be prescribed by the commissioner before a license shall be issued, but any holder of a license shall not be required to take additional examinations at the time of the annual license renewal unless his license has previously been revoked or unless he applies to be licensed in one or more additional fields of operation. Any owner, however, who furnishes sufficient written proof to the department that he was regularly engaged in business as an owner in Kentucky continuously during the two-year period prior to the effective date of this Act, shall not be required to take an examination for his license but shall be subject to the other requirements. In addition, the owner shall designate one or more persons responsible for the work conducted under the provisions of this Act. The license shall be issued by the board upon compliance with the requirements. Only one license shall be required for each

owner at any one place of business for any or all fields of operation.

Section 3. The board shall have the power to promulgate reasonable rules and regulations concerning the following matters:

(1) Standards of application and workmanship;

(2) Proper health and safety precautions;

(3) Requirements for contractual responsibilities and fulfillment of agreements;

(4) Proof of financial responsibility;

(5) Furnishing of reports and information necessary for the department to carry out the provisions of this Act;

(6) Fields of operations for which licenses may be issued.

Section 4. Before any rules or regulations are adopted or amended the commissioner shall set a time and place for a public hearing before him or his representative, and shall cause at least fifteen days notice of the hearing to be given and shall cause to be set out in the notice the matters to be considered.

Section 5. The department's authorized representatives shall have authority to enter upon public and private premises for purposes of inspection.

Section 6. (1) A license may be revoked for just causes as hereinafter provided at any time after a hearing before the commissioner upon written complaint made by any person, firm, or corporation for whom work has been performed. The owner of such license shall be given notice in writing not less than fifteen days prior to the date of such hearing, sent by registered mail to the owner to the address shown by the records of the department.

(2) The grounds for the revocation of a license shall be as follows:

(a) If the owner or any regular employe, solicitor, agent, or representative of the owner shall make any material misrepresentations for the purpose of defrauding any member of the

public or shall use any methods or materials which are not reasonably suitable for the purposes for which they are employed or provided.

(b) If the owner shall fail to pay any final judgment rendered against any owner or any regular employe, solicitor, agent, or representative of said owner by reason of liabilities resulting from activities under this Act.

(c) If the owner against whom complaint is registered shall refuse to provide the Department with reasonable complete and accurate information regarding methods or materials used or work performed as requested.

Section 7. A license shall not be transferable. When there is a change in the business status of the owner or designated representative operating under a license, the owner, whether it be an individual, firm, partnership, association, or corporation or any combination thereof, shall have ninety days within which time to register an owner or designated reperesentative to qualify under the provisions of this Act. However, in the event of the death of an individual owner, his heirs or representatives shall be allowed a minimum of ninety days in which to register an owner or designated representative to qualify under the provisions of this Act. Except as provided elsewhere in this Act, the owner or his designated representative must be qualified under the provisions of this Act by having passed the appropriate examination and obtaining a license.

Section 8. The Commissioner shall notify any applicant or owner by registered mail of any decision of the board to refuse to grant a license or to revoke a license within ten days after such decision, and the applicant or owner shall have thirty days after such notification within which to petition the Commissioner for a rehearing. The Commissioner shall within ten days after the said rehearing notify the applicant or owner of its decision, and if the decision be unfavorable, said applicant or owner shall have thirty days within which to appeal such decision to the circuit court of the county in which he resides or maintains his principal place of business. If an owner takes such appeal within the time herein provided, the revocation by the board shall not become final until finally adjudicated, however the

board may require the posting of a reasonable and appropriate bond pending final adjudication.

Section 9. This Act shall not apply to any individual working on his own premises, or to regularly employed wage hands working thereon, or to aerial applicators holding a valid permit from the Department of Aeronautics.

Section 10. The monies received from the license fees collected by the department hereunder shall be deposited in the State Treasury to the credit of the General Fund.

Section 11. Any person violating any of the provisions of this Act shall upon conviction thereof be guilty of a misdemeanor. Each separate violation of this Act shall be a separate misdemeanor, punishable by a fine of not more than five hundred dollars nor more than one year in jail, or both.

Section 12. Whereas, the lack of adequate control of the use of insecticides, fungicides and rodenticides has proved dangerous to human health and welfare, and

Whereas, it is now imperative that the use of such chemicals be immediately controlled, now

Therefore, an emergency is declared to exist and this Act shall be in full force and effect immediately upon its passage and approval by the Governor.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 3, section 2, line 24. By striking out the word "two" and substituting in lieu thereof the word "one".

Mr. Lowman moved the adoption of said amendment.

Said motion was agreed to.

Said amendment adopted.

Amendment No. 2—On page 6, section 9, line 3. Insert after the comma following the word "thereon" the following: "or to persons who furnish or sell insecticides, fungicides or rodenticides for application or use by others,"

Mr. Lowman moved the adoption of said amendment.

Said motion was agreed to.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Vernor O. Cottengim	Henry R. Heyburn
John Rhea Banton	Charles W. Craig	Lon C. Hill
Wallace Bartley	W. Marvin Davis	Estill R. Hilton
Charles E. Baumgardner, Sr.	Albert Dempsey	William M. Horn
Owen Billington	C. E. Dowell	Talmage Lacy
Leo A. Bleemel	O. O. Duncan	James W. Lambert
J. Murray Blue	Harold Edmonds	George H. Lovelace
J. C. Bradley	Addison L. Everett	Harry King Lowman
Edward O. Bridgers	Herbert Fern	Ralph E. McClanahan
Harry M. Caudill	Thomas P. Fitzpatrick	Caleb McFadden
Cassius M. Clay	Cabell D. Francis	Damon Majors
Paul Cobb	C. Ruby Harralson	William C. Mann
William J. Conley	George F. Harris	William J. Marcum
R. Josh Cosby	Harold G. Helm	Carl D. Melton
	David Heskamp	Alton B. Mitchell

Robert K. Montgomery	Jack Raybourne, Jr.	Eulick Walsh
Fred Morgan	Hobart Rayburn	Will Tom Wathen
Eddie J. Morris	L. M. Tipton Reed	W. W. Webster
Thomas J. Murphy	Robert Reid	Hicks Wells
Goebel W. Newsom, Jr.	Lloyd E. Rogers	Mrs. Randolph Wilson
Foster Ockerman	William A. Routh	T. D. Winstead
Louis T. Peniston	Cecil C. Sanders	Charles W. Wirsch
Edward D. Pollitte	LeRoy Saylor	Walker H. Wiseman
Roger E. Qualls	W. R. Smith	Dr. Clyde D. Wooton
Paul T. Ratcliffe	Mrs. Thelma L. Stovall	Paul E. Young
	James Treadway	—75

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 506. AN ACT relating to the establishment of an electrical inspection board.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Board" means the State Electrical Inspection Board.

(2) "Electrical System" means any system designated for use of electric current for power, light, heat or other service whether for domestic, industrial, institutional or commercial use. Electric utility distribution, transmission and generation systems, automotive equipment, installations in mines and railroad cars, or other installations employed by transportation or communication companies and located outdoors or in buildings used ex-

clusively for that purpose are excluded from the requirements of this Act.

Section 2. The board shall be composed of the following members:

(1) The State Fire Marshal, or his appointed representative, who shall hold office on the board by virtue of his position;

(2) Eight additional members, who shall represent the following groups and be elected in the following manner:

(a) Two members from two separate and distinct private electric utility companies;

(b) Two members from two separate and distinct cooperative electric utility agencies;

(c) Two members from two separate and distinct electrical contractors' agencies;

(d) One member who shall be a registered professional electrical engineer;

(e) One qualified electrical inspector;

(3) Appointments to the board shall be so distributed that no group or groups with similar interests will constitute a majority of the board. A board member shall be qualified if he has served at least five years in the business represented by his group.

Section 3. (1) Members of the board shall be appointed by the Governor with the advice of the governing bodies of the groups represented. Each member of the board, except the State Fire Marshal or his representative, shall hold office for four years after appointment, except that in making appointments for the original organization of the board, two members shall be appointed to serve one year, two members shall be appointed to serve two years, two members shall be appointed to serve three years and two members shall be appointed to serve four years.

(2) The State Fire Marshal shall be chairman of the board.

(3) In the event any member appointed to the board

severs his relationship with the industry represented by him, he shall forfeit his office and the vacancy created by such forfeiture shall be filled by the Governor.

Section 4. The board shall:

(1) Adopt such by-laws and rules of order as may be necessary for its proper operation;

(2) Set electrical inspection standards for the protection of life and property;

(3) Examine applicants and issue licenses to conduct such inpections as are called for in Sections 8 and 9 of this Act to qualified and competent persons who have passed such examinations;

(4) Make such reasonable rules and regulations as may be necessary to insure proper inspections, reports and certifications of inspections;

(5) Establish procedures, records, and reports governing delayed inspections provided for in Section 9 of this Act;

(6) Act as referee in any dispute arising between supplying and installing agencies as to interpretation of established inspection standards;

(7) Publish annually, for free distribution to all city and county inspection authorities and for distribution at a nominal cost to other persons, a complete roster of all licensed inspectors;

(8) Print and distribute to all electrical inspectors and supplying agencies copies of all rules, regulations and orders made by the board.

Section 5. (1) With the exception of the State Fire Marshal, who shall serve as chairman of the board as a part of his regular duties, members of the board shall receive compensation for their services while attending, going to and returning from board meetings at a reasonable rate per diem which shall be set by the Governor with the advice of the Commissioners of Finance and Insurance.

(2) Additional compensation shall be paid to the board

members for necessary expenses in attending meetings of the board, or otherwise officially conducting the business of the board.

Section 6. The board shall meet semi-annually on dates to be set by the board, and may be called into special session by its chairman whenever the pressure of business necessitates more frequent meetings.

Section 7. The board shall appoint an executive-secretary who shall have at least five years experience in the electrical industry, and who shall, by training or experience, meet other qualifications set by the board. The executive-secretary shall be a full-time employee and shall be paid a salary to be determined by the board with the advice and consent of the Commissioners of Finance and Insurance. The executive-secretary shall:

(1) Keep an accurate and complete record of all proceedings of the board;

(2) Keep a complete record of all inspectors licensed under the provisions of this Act;

(3) Receive and file such inspection reports as the board considers necessary for the proper performance of its duties.

Section 8. No electrical system installed within a building, structure or premise, publicly or privately owned, and no alterations or additions to existing fixed or generally considered permanent systems shall be connected to a public utility supply until the installation has been found to conform to the requirements of this Act by an inspector duly licensed by the board; except, however, that no inspection will be required for any of the following:

(1) The replacement of lamps or the connection of portable electrical equipment to suitable permanently installed receptacles;

(2) The installation, alteration or repair of electrical equipment for the operation of a signal system or the transmission of intelligence by wire;

(3) The installation, alteration or repair of electrical equip-

ment installed by or for an electric supply or communications company or agency for use in the generation, transmission, distribution or metering of electricity;

(4) Any work involved in the manufacture or testing of electrical equipment or apparatus.

Section 9. (1) No electric utility company shall be required to furnish current to any electrical system constructed, extended or remodeled unless such company has been furnished with a written notice that such system has been inspected and found to be in accordance with the requirements of this Act by an inspector properly authorized by the board.

(2) In the event an inspector is not available to make such an inspection within three days after completion of the work, the utility company may accept, as a temporary substitute for approval, a statement signed by the installing agency certifying that all work is in accordance with the provisions of this Act and guaranteeing replacement of any unsatisfactory work done by the installing agency.

(3) If such an installation has been found not to conform with the provisions of this Act by a qualified inspector within a reasonable time, to be determined by the board, after the date of connection of current and the installing agency fails or refuses to make necessary changes, the installing agency shall be deemed guilty of violating the provisions of this Act.

Section 10. (1) The board shall charge and collect fees for examinations, license and annual license renewal as follows: examinations, seven dollars and fifty cents for each individual inspector; initial license, one hundred dollars for each individual or firm; annual license renewal, seven dollars and fifty cents for each individual or firm.

(2) In addition to the above fees the board shall charge and collect a fee of fifty cents for each inspection made by each individual inspector during the year. Each inspector shall file a report with the board at the end of each quarter setting out the number of inspections made by him during said quarter. Said report shall be accompanied by payment of the fees herein set out. Failure to file reports and make payments as herein

required shall be grounds for suspension, revocation or cancellation of license.

(3) The board shall require each inspector at the time he obtains a license to file a complete schedule of his inspection fees for approval by the board. A new schedule shall be filed for approval by the board each year thereafter.

Section 11. Application for license as an inspector shall be in such form and manner as may be prescribed by the board. Applicants shall have such qualifications as may be prescribed by the board.

Section 12. All monies collected shall be paid into the State Treasury and credited to a trust and agency fund to be used solely for the administration and enforcement of this Act.

Section 13. (1) The board shall have the power to suspend, revoke or cancel any license issued by it after a hearing conducted by the board pursuant to written notice to the licensee at least ten days prior to such hearing. Said notice shall contain a statement of charges to be heard, and the time and place of hearing.

(2) The board and the licensee may be represented by counsel at any hearing conducted pursuant to the provisions of this Act.

(3) The board shall keep a true and concise record of the proceedings at the hearing, and shall, within thirty days after the hearing, make its decision setting forth therein the reasons for such decision and the effective date thereof. A copy of the decision shall be given by the board to each person to whom notice of the hearing was given or required to be given.

(4) Any person to whom a decision or order of the board resulting from a hearing is adverse, may, within thirty days after the date of such decision or order, appeal therefrom to the Franklin Circuit Court by filing a petition for review in such court and serving a copy thereof upon the executive-secretary of the board and other parties in interest, if any.

Section 14. No person qualified as an inspector by the board shall engage in the installation, sale or servicing of electri-

cal systems or equipment or have any financial interest in any business engaged in the installation, servicing or sale of electrical equipment during the term of his qualification as an inspector, nor shall such inspector or any member of his immediate family have any proprietary or financial interest in any property inspected during the term of his qualification as an inspector, or for a period of two years after the date of such inspection.

Section 15. Nothing in this Act shall be construed to restrict the activties of inspectors employed by political subdivisions of the Commonwealth which have, by legal process, adopted building or electrical codes in substantial conformity with the requirements of this Act as determined by the board, and which conduct regular programs of building or electrical permits and inspections. When such inspectors make inspections outside their regular area of employment, they shall be qualified by the board as provided in this Act.

Section 16. The board may waive the requirement of inspection in cases where no inspection service by a person qualified under this Act is available within twenty miles of the installation to be inspected.

Section 17. Any person who violates any provision of this Act shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not more than ninety days, or both.

Mr. Holsclaw moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

John Rhea Banton	Thomas P. Fitzpatrick	Fred Morgan
Edward T. Breathitt, Jr.	Cabell D. Francis	Eddie J. Morris
Edward O. Bridgers	W. L. Hadden	Thomas J. Murphy
John Young Brown	C. Ruby Harralson	Foster Ockerman
Paul Cobb	George F. Harris	Paul T. Ratcliffe
William J. Conley	Henry R. Heyburn	Jack Raybourne, Jr.
R. Josh Cosby	William M. Horn	Eulick Walsh
Vernor O. Cottengim	Talmage Lacy	Will Tom Wathen
C. E. Dowell	George H. Lovelace	Morris Weintraub
		William B. Wells

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Those who voted in the negative were—

Rev. Felix S. Anderson	O. O. Duncan	Alton B. Mitchell
Walter J. Bailey	Harold Edmonds	Robert K. Montgomery
Wallace Bartley	Herbert Fern	Walter R. Moorman
Charles E. Baumgardner, Sr.	Harold G. Helm	Goebel W. Newsom, Jr.
Owen Billington	David Heskamp	Louis T. Peniston
J. Murray Blue	Lon C. Hill	Edward D. Pollitte
J. C. Bradley	Estill R. Hilton	Hobart Rayburn
Charles W. Buchanan	Chester J. Holsclaw	L. M. Tipton Reed
Harry M. Caudill	Varna Holt	Robert Reid
Cassius M. Clay	James W. Lambert	Lloyd E. Rogers
Charles W. Craig	Harry King Lowman	William A. Routh
W. Marvin Davis	Ralph E. McClanahan	Cecil C. Sanders
John L. Day	Caleb McFadden	LeRoy Saylor
Albert Dempsey	Damon Majors	W. R. Smith
James A. Dressman, Jr.	William C. Mann	Mrs. Thelma L. Stovall
	William J. Marcum	C. Waitman Taylor
	George R. Martin	
	Carl D. Melton	

James Treadway	Charles W. Wirsch	Dr. Clyde D. Wooton
Hicks Wells	Walker H. Wiseman	Paul E. Young
Mrs. Randolph Wilson		

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Mr. Ockerman moved that the House take up for consideration resolutions of the following titles, and moved their adoption, viz:

H. Res. No. 59. A JOINT RESOLUTION naming Mrs. Ethel Gist Cantrill as State Librarian Emeritus of Kentucky.

Said resolution is as follows, viz:

WHEREAS, Mrs. Ethel Gist Cantrill has served Kentucky long and faithfully as State Librarian and as Director of the Department of Library and Archives; and

WHEREAS, Mrs. Cantrill was appointed as State Librarian in 1924 and reappointed in 1928 and 1932; and

WHEREAS, she was designated Director of the Department of Library and Archives in 1948 and reappointed in 1952; and,

WHEREAS, on June 30, 1954, Mrs. Cantrill will have completed over twenty-four years of diligent and conscientious service to the members of the General Assembly and the citizens of Kentucky; and

WHEREAS, it is the desire of the General Assembly to recognize and honor Mrs. Cantrill,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Mrs. Ethel Gist Cantrill is hereby named State Librarian Emeritus for life, this provision to become effective on July 1, 1954.

Said motion was agreed to by voice vote.

Said resolution adopted.

H. Res. No. 52. A JOINT RESOLUTION directing the Legislative Research Commission to study the feasibility of a

state financed program of financial assistance to deserving college students.

Said resolution is as follows, viz:

WHEREAS, Kentucky ranks low among the states in education generally, and ranks forty-seventh with regard to the percentage of college trained persons in the adult population; and

WHEREAS, an educated populace depends upon the development of good schools, and good schools depend upon well trained teachers; and

WHEREAS, the shortage of well trained teachers in the Commonwealth is so critical that approximately three thousand persons are now employed to teach in the schools who do not meet the minimum requirements for the issuance of a teachers certificate; and

WHEREAS, there is an acute need in the Commonwealth for college trained men and women in agriculture, commerce, labor industry, and the professions; and

WHEREAS, economic circumstances often prevent capable high-school graduates from attending college; and

WHEREAS, financial consideration should not be allowed to prevent deserving young men and women of this Commonwealth from acquiring a college education; and

WHEREAS, more than three-fourths of the states of the Union have programs which provide state aid through scholarships or loans to deserving college students,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission be and it is directed to make a study of the feasibility of inaugurating a state financed program of financial assistance to deserving college students, including the need for such a program in the Commonwealth and an analysis of similar programs in other states.

Section 2. That the Legislative Research Commission appoint a citizens advisory committee to aid in defining the scope of the study and to make recommendations regarding a suitable program of state aid to college students.

Section 3. That the Legislative Research Commission report its findings to the 1956 session of the General Assembly.

Said motion agreed to by voice vote.

Said resolution adopted.

H. Res. No. 55. A JOINT RESOLUTION memorializing the Congress of the United States to appropriate sufficient funds to complete the acquisition of sites and consummate the project for establishing a Pioneer National Monument under the National Park Service, etc.

Said resolution is as follows, viz:

WHEREAS, by Act No. 380, passed at the Second Session of the 73rd Congress of the United States, and approved June 18, 1934 (Chap. 573, 48 Stat. 982; U. S. C. A., Title 16, Secs. 448-450), provision was made for the creation, preservation and perpetual maintenance by the Government of the United States of the "Pioneer National Monument," to consist of the Blue Licks Battlefield, Fort Boonesborough, Boone's Station and Bryan's Station, in the State of Kentucky, when title thereto shall have been vested in the United States, and that said "Pioneer National Monument" should be administered by the National Park Service; and

WHEREAS, by joint resolution Chapter 177, Acts 1944, provision was made for the conveyance by the Commonwealth to the National Government of the United States of title to the Blue Licks Battlefield State Park tract of land; and

WHEREAS, the sites of Fort Boonesborough, Boone's Station, and Bryan's Station are presently in private ownership; and

WHEREAS, all of the above mentioned sites are not merely of local and statewide significance, but also of national significance, inasmuch as the Battle of Blue Licks was the last battle of the American Revolution; Fort Boonesborough is the site of

the first white settlement west of the Appalachian Mountains; Boone's Station was built by Daniel Boone and for a number of years was the home and headquarters of himself, his family and connections; and Bryan's Station is the site of a famous Indian siege in which the pioneer women of the Station displayed great heroism;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the General Assembly of the Commonwealth of Kentucky in regular session assembled, the Senate and House concurring, memorializes the 83rd Congress of the United States to appropriate sufficient funds to complete the acquisition of the nationally historic sites of the Battle of Blue Licks, Fort Boonesborough, Boone's Station and Bryan's Station; in Kentucky, and to consummate the project to place these sites under the National Park Service as a permanent "Pioneer National Monument."

Section 2. That the Senators and Representatives of Kentucky in the 83rd Congress are urged to introduce and support legislation to accomplish the foregoing.

Section 3. That copies of this memorial, duly authenticated, be sent by the Clerk of the Senate to the President and Chief Clerk of the Senate of the United States, the United States Senators from Kentucky, the Speaker and Chief Clerk of the House of Representatives of the United States, and the Representatives in Congress from Kentucky.

Said motion agreed to by voice vote.

Said resolution adopted.

H. Res. No. 75. A JOINT RESOLUTION memorializing the Congress of the United States to make an appropriation for immediate start of construction of the Rough River Dam in Grayson and Breckenridge Counties of Kentucky.

Said resolution is as follows, viz:

WHEREAS, the plans and preliminary surveys for construc-

tion of the Rough River Dam in Grayson and Breckinridge Counties of Kentucky have been completed; and

WHEREAS, the immediate construction of said dam would result in great and lasting benefit to the people of the Commonwealth of Kentucky; and

WHEREAS, the Congress of the United States is now considering its appropriations for the coming fiscal year.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States be and it is memorialized to make an appropriation for the immediate start of construction of the Rough River Dam.

Section 2. This resolution shall be spread upon the minutes of the House and a copy thereof forwarded by the Clerk of the House to each member of the Congressional delegation from Kentucky.

Said motion was agreed to by voice vote.

Said resolution adopted.

H. Res. No. 81. A JOINT RESOLUTION requesting the General Assembly and officials of the Commonwealth of Kentucky to pass and enforce forest fire legislation that will give greater protection.

Said resolution is as follows, viz:

WHEREAS, devastating forest fires take from us much beauty; eliminate great natural flood, erosion and watershed bulwarks of forest trees, shrubs and spongy masses of humus; destroy the food, homes, shelter and the young of thousands of our birds, wild flowers and wild life essential for the maintenance of the biologic balance; and inflict great material damage, involving not only the loss in converted products but eventually affecting also the wage income of about 1,780,000 persons per year;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The Harlan Garden Club requests and beseeches our law makers and administrators to pass and enforce forest fire legislation that will give greater protection by providing for the following:

(1) State-wide fire control.

(2) The right of local area closure when conditions there are dangerously dry, independent of, or rather than, state closure.

(3) Dangerous locations should be closed; safe locations left open should provide more hunting as well as better fire hazard control, and necessary travel to and from work through closed areas could be provided for by the issuance of permits from land owners or lessors.

(4) A heavier minimum penalty for violators, whereby our present minimum of $10.00 per offense will be increased to at least $25.00 per offense, and our misdemeanor penalty per offense for violators would become a fine of $25.00 to $100.00 or imprisonment of twenty-five days to six months.

(5) A reward, not greater than $25.00, for the identification and conviction of violators and fire lighters.

(6) Greater funds for the use of the Division of Forestry in paying the cost of fire suppression.

(7) Priority should be given for the placing of trained or accredited foresters, with sufficient and shiftable crews, in heavily wooded areas during August through December fifteenth, and in other months, they could teach and have training camps.

Said motion was agreed to by voice vote.

Said resolution adopted.

H. Res. No. 84. A JOINT RESOLUTION memorializing the U. S. Congress to stress the importance of the Tennessee Valley Authority, etc.

Said resolution is as follows, viz:

WHEREAS, there has been considerable speculation that

the TVA program will perhaps not be continued or expanded; and

WHEREAS, the REA program is vitally dependent upon the TVA program; and

WHEREAS, the REA program was created largely for the benefit of rural people; and

WHEREAS, the REA program has been an economic life saver to the rural people of the Commonwealth by furnishing them with low cost electricity; and

WHEREAS, if the TVA program were not continued and expanded the REA program would suffer; and

WHEREAS, if the REA program suffered the rural people of the Commonwealth would suffer;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The U. S. Congress is hereby urged and memorialized to stress the importance of the Tennessee Valley Authority program, and to make appropriations to continue and expand this program.

Section 2. The Clerk of the House of the General Assembly of the Commonwealth of Kentucky shall transmit copies of this resolution to all U. S. Senators and Congressman from Kentucky.

Said motion was agreed to by voice vote.

Said resolution adopted.

Ordered that said resolutions be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 26. A JOINT RESOLUTION authorizing payment of a claim by Corbitt Hurt against the Department of Highways and the Commonwealth of Kentucky.

Said Resolution is as follows, Viz:

WHEREAS, on December 20, 1950, Corbitt Hurt, an employe of the Department of Highways, Commonwealth of Kentucky, was involved in an automobile accident, while acting within the course and scope of his employment, in Grant County, Kentucky, and

WHEREAS, Corbitt Hurt was involved in much litigation as a result of this accident,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the amount of two hundred dollars is hereby appropriated out of the State Road Fund to reimburse Corbitt Hurt for these actual expenses, which he was forced to and did pay as a result of expenses incurred in the case of Bertha Morris v. Corbitt Hurt in the Grant Circuit Court. Immediately upon the effective date of this Resolution the Commissioner of Finance shall issue his warrant, in the amount of two hundred dollars upon the State Treasurer, who shall issue a check in like amount to Corbitt Hurt.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
William M. Horn
Talmage Lacy
James W. Lambert
George H. Lovelace
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Said resolution ordered delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 72. RESOLUTION authorizing Dewey Rice, individually, the personal representative of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice, to sue the Commonwealth of Kentucky, etc.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Dewey Rice, individually, the personal representative of Wilma Rice (the deceased wife of Dewey Rice), the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice, be, and they are hereby authorized, empowered and permitted by Dewey Rice, individually, the personal representative of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice to sue the Commonwealth of Kentucky and the State Highway Department of Kentucky or either, in Carter Circuit Court, for such damages as they may have sustained, if any, by reason of injury to the person of Dewey Rice, Dewey Rice, Jr., and Prichard Rice, and the death of Wilma Rice caused by the unsafe condition of U.S. 60 in Carter County, Kentucky, and the negligence of the highway department, its agents, servants and employees, an in the event of any judgment or judgments should be recovered by the said Dewey Rice, individually, the personal representative of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice, the same shall be paid out of the general funds by the Auditor of Public Accounts by warrant drawn upon the State Treasurer. In event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky. No statement in this resolution shall be considered by either the court or the jury as an admission of negligence on the part of the Commonwealth for the State Highway Department, and this resolution shall not be

introduced as evidence, nor commented upon in argument to the jury.

Any action filed by Dewey Rice shall not exceed the sum of Ten Thousand ($10,000.00) Dollars, and any action filed by the personal representative of Wilma Rice shall not exceed the sum of Twenty-Five Thousand ($25,000.00) Dollars, and any action filed by the statutory guardian or next friend of Dewey Rice, Jr., and Prichard Rice shall not exceed the sum of Twenty-Five Hundred ($2500.00) Dollars.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	Edward O. Bridgers
Walter J. Bailey	Leo A. Bleemel	John Young Brown
John Rhea Banton	J. Murray Blue	Cassius M. Clay
Charles E. Baumgardner, Sr.	J. C. Bradley	William J. Conley
	Edward T. Breathitt, Jr.	R. Josh Cosby
		Vernor O. Cottengim

W. Marvin Davis
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
William M. Horn
Talmage Lacy
James W. Lambert
George H. Lovelace
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Paul E. Young
—67

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 162. AN ACT relating to statute revision and related legislative services.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) It shall be the duty of the Legislative Research Commission to formulate, supervise and execute plans and methods for the future revision, clarification, classification,

codification, arrangement, annotating, indexing, printing, binding, publication, copyrighting, sale and distribution of the Kentucky Revised Statutes, including annotations and supplements, and all editions thereof. The commission shall determine when editions shall be published and fix the prices thereof. Such printing shall not be considered printing of the first class within the meaning of the statutes relating to printing of the first class. The commission shall prepare and submit to the General Assembly such consolidation, revision and other matters relating to the statutes as can be completed from time to time.

(2) The commission shall control and supervise the use of any type acquired by the state in connection with the printing of editions of the statutes, and may permit the use of the type for the printing of pamphlets of particular portions of the statute laws requested by any state department or agency, under such terms and conditions as the commission considers reasonable.

(3) The commission, in preparing editions of the statutes for publication or distribution, shall not alter the sense, meaning or effect of any Act of the General Assembly, but may renumber sections and parts of sections of the Acts of the General Assembly, change the wording of head-notes, rearrange sections, change reference numbers to agree with renumbered chapters or sections, substitute the proper section or chapter numbers for the terms "this Act," "the preceding section," and the like, strike out figures where they are merely a repetition of written words, change capitalization for the purpose of uniformity, and correct manifest clerical or typographical errors. When any edition of the statutes is published by the commission, the director shall prepare a certificate certifying that each section printed in such edition has been compared with the original section in the enrolled Kentucky Revised Statutes, or, in the case of sections of Acts enacted after the adoption of the Kentucky Revised Statutes, with the original section in the enrolled bill, and that, with the exception of the chanages in form permitted by this section, the sections in the printed edition are correctly printed. One copy of the edition, with the original certificate affixed thereto, shall be filed in the office of the Secretary of State. All other copies of the edition shall contain a printed copy of the cer-

tificate. Any edition so certified shall constitute prima facie evidence of the law in all courts and proceedings, and any section in such edition may be amended or repealed by reference to the section number, without reference to the legislative Act from which it was compiled. No compilation of the statute laws of Kentucky not bearing such a certificate shall be admissable as evidence of the law in any court or proceeding.

(4) The commission shall keep in its office an accurate and complete record of all legislation enacted by the General Assembly and shall study same for the purpose of determining the intention and the effect thereof. The commission shall prepare and keep accurate and complete annotations of court decisions construing the statutes. The commission shall advise and assist the members of the General Assembly in the preparation and revision of legislation and matters connected therewith. The commission shall, when requested by the General Assembly or either house thereof, report to the General Assembly on bills introduced, calling attention to their effect on existing legislation and to any deficiencies in their form.

Section 2. In the formulation of the plans and methods provided for in Section 1 of this Act, the Legislative Research Commission shall act with the consent and approval of an Advisory Committee on Statute Revision, consisting of four members, to be appointed by the Governor from a list of eight persons, learned in the law, submitted by the Board of Commissioners of the Kentucky State Bar Association. The members of this committee shall serve for four years and until their successors are appointed and have qualified. Vacancies in the committee shall be filled by appointment by the Governor from a list of two names for each vacancy submitted by the Board of Commissioners of the Kentucky State Bar Association. Not more than three members of the committee shall be members of the same political party. The members of the committee shall receive no compensation for their services, but shall receive their reasonable and necessary expenses in connection with the performance of their duties, to be paid out of sums appropriated to the Legislative Research Commission.

Section 3. The execution of the functions provided for in

Section 1 of this Act shall be carried out by the staff of the Legislative Research Commission under the immediate and direct supervision of an employe to be designated Reviser of Statutes, who shall be appointed by the director of the commission. The reviser shall be a member of the Bar of Kentucky or a person who has had at least two years of responsible experience in statute revision work in some other state.

Section 4. Upon the effective date of this Act all records, furniture, supplies, printed books and other property now held by the Statute Revision Commission shall be transferred to the Legislative Research Commission. Any appropriated funds which have not been expended by the Statute Revision Commission shall be used by the Legislative Research Commission for the purposes of this Act, and all trust and agency funds maintained by the Statute Revision Commission shall be transferred to the Legislative Research Commission for use for the purposes of this Act.

Section 5. KRS 447.070 through 447.140 are hereby repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only.

Mr. Lowman moved that S. B. No. 162 be placed on the Clerk's desk.

Said motion was agreed to by voice vote.

Said bill was placed on the Clerk's desk.

Mr. Lowman moved that the House adjourn until 1:00 P. M. Wednesday, March 17, 1954.

Said motion was agreed to.

And the House did then adjourn.

WEDNESDAY, MARCH 17, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter, Rector of the Church of the Ascension, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery

Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Warren D. Williams
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

Mr. Lowman moved that the reading of the Journal of the proceedings of Tuesday, March 16, 1954, be dispensed with and the same be approved.

Said motion agreed to.

REPORT OF ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bill of the following title, viz:

S. B. No. 62. AN ACT relating to condemnation, purchase, financing and operation of waterworks by water districts or cities of second, third, fourth, fifth or sixth classes.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of the Senate return said bills to the Senate.

The Speaker, Mr. Burnley, having vacated the chair, Mr. Lowman assumed the chair as Speaker pro tem.

Mr. Heyburn moved that S. B. No. 13 be taken from the Rules Committee and made a special order for Thursday, March 18, 1954, at 2:00 P. M.

Mr. Brown amended the motion to the effect that the House go on record as requesting the Rules Committee to report S. B. 13 on Thursday, March 18, 1954, for consideration.

Mr. Martin moved that said motion be tabled.

Mr. Clay seconded said motion to table the motion.

Said motion was disagreed to by voice vote.

Mr. Burnley moved the Previous Question.

Said motion agreed to by voice vote.

Mr. Day and Mr. Saylor having requested roll call on Mr. Brown's amendment to Mr. Heyburn's motion, the yeas and nays were taken as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris

Thomas J. Murphy	Lloyd E. Rogers	Eulick Walsh
Goebel W. Newsom, Jr.	William A. Routh	Will Tom Wathen
Edward D. Pollitte	Cecil C. Sanders	W. W. Webster
Roger E. Qualls	LeRoy Saylor	Warren D. Williams
Paul T. Ratcliffe	W. R. Smith	Mrs. Randolph Wilson
Jack Raybourne, Jr.	Mrs. Thelma L. Stovall	Charles W. Wirsch
Hobart Rayburn	E. H. Stumbo	Walker H. Wiseman
L. M. Tipton Reed	C. Waitman Taylor	Dr. Clyde D. Wooton
Robert Reid	James Treadway	Paul E. Young
Russell Reynolds		—84

Those who voted in the negative were—

Edward T. Breathitt, Jr.	Cassius M. Clay	R. Josh Cosby —3

Mr. Brown moved that the Clerk of the House inform the Clerk of the Senate of the action taken on S. B. No. 13.

Said motion was agreed to by voice vote.

The Clerk of the Senate was so informed.

The Speaker, Mr. Burnley, resumed the chair.

ENROLLMENT COMMITTEE REPORT

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz:

H. B. No. 96. AN ACT relating to the fraudulent display of badges of organizations, etc.

H. B. No. 197. AN ACT relating to the Kentucky Disabled Ex-Service Men's Board.

H. B. No. 192. AN ACT to amend an act relating to signals.

H. B. No. 184. AN ACT to amend and re-enact KRS 64.620 relating to fees of court commissioners and receivers.

H. B. No. 286. AN ACT relating to the promotion of the Rural Kentucky Medical Scholarship Fund, etc.

H. B. No. 205. AN ACT relating to property taxation.

H. B. No. 208. AN ACT relating to the Financial Responsibility Law.

H. B. No. 219. AN ACT relating to sureties on bonds of city or county officers.

H. B. No. 147. AN ACT relating to state ad valorem taxes.

H. B. N. 292. AN ACT changing the classification of the city of Flatwoods, in Greenup County.

H. B. No. 321. AN ACT relating to airport boards and to city-county air boards.

H. B. No. 335. AN ACT amending KRS 412.070 relating to compensation and expenses of plaintiffs and their attorneys in class actions or in cases in which plaintiffs have a common interest.

H. B. No. 339. AN ACT relating to police departments in second class cities taking charge of lost or stolen property, etc.

H. B. No. 350. AN ACT relating to the establishment of public pounds for animals in counties containing a city of the first class.

H. B. No. 380. AN ACT relating to registration and purgation, etc.

H. B. No. 403. AN ACT relating to the State Fire and Tornado Insurance Fund.

H. B. No. 404. AN ACT relating to Deposits of Insurers.

H. B. No. 422. AN ACT relating to the grazing of livestock on certain public grounds and providing a penalty therefor.

H. B. No. 402. AN ACT relating to insurance, etc.

H. B. No. 323. AN ACT relating to the disposition of persons convicted of crime in police courts in cities of the first and fourth classes.

H. B. No. 490. AN ACT relating to condemnation by the Department of Highways, and declaring an emergency.

H. B. No. 104. AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky, relating to the exemption of property from taxation.

H. B. No. 343. AN ACT relating to flammable liquids.

H. B. No. 498. AN ACT relating to motor vehicle headlights, etc.

H. B. No. 428. AN ACT relating to refunding of excise taxes paid on gasoline, used in tractors or stationary engines operated for agricultural purposes.

H. B. No. 202. AN ACT relating to property taxation.

H. B. No. 284. AN ACT relating to the registration and licensing of the termite and pest control industry.

H. B. No. 341. AN ACT relating to insurance and the farm and provisions of disability insurance policies, etc.

H. Res. No. 41. A RESOLUTION directing the Judicial Council to conduct a study of the divorce laws of this state, and other matters, and submit a report and proposed legislation to the 1956 General Assembly.

H. Res. No. 73. A JOINT RESOLUTION memorializing Congress to enact an amendment to the Agricultural Adjustment Act.

Thereupon, all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bills to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time, the enrolling clerk aforesaid, delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

INTRODUCTION OF RESOLUTIONS

Resolutions of the following titles were introduced and ordered to be printed and referred, viz:

By Mr. Day, Mr. Heyburn, Mr. Wirsch, Mr. Treadway, Mr. Martin, Mr. Dempsey, Mr. Duncan, Mr. Saylor, Mr. McClanahan, M. Routh, Mr. McFadden, Mr. Robert Reid, Mr. Young, Mr. Heskamp, Mr. Weintraub, Mr. Smith, Mr. Lacy, Mr. Wiseman, Mr. Williams, Mr. Cobb, Mr. Harralson, Mr. Craig, Mr. Breathitt, Mr. L. M. T. Reed, Mr. Kearby, Mr. Stumbo, Mr. Wells, Mr. Caudill and Mr. Mobley.

H. Res. No. 98. A RESOLUTION commending the State Revision Commission and its editorial staff for the splendid services rendered to the Sessions of the General Assembly and to the Bench and Bar of Kentucky.

Said resolution is as follows, viz:

WHEREAS, it is fundamentally necessary in the proper conduct of state government, especially in the administration of justice, that the statutory law of the state be compiled in such manner that enactments of the General Assembly can be readily found and comprehended by all persons affected by such enactments; and

WHEREAS, leaders of the Kentucky State Bar Association, recognizing the complete inadequacy of statute compilations then existing, sponsored legislation in 1938 which created the Statute Revision Committee and which resulted in enactment by the 1942 General Assembly of a complete body of statutory law known as the Kentucky Revised Statutes, thereby establishing Kentucky as a leader among the States of the United States in the field of statute revision; and

WHEREAS, the 1942 General Assembly, realizing that the value of the Kentucky Revised Statutes would be destroyed

unless a program of continuous statute revision was inaugurated, created a permanent Statute Revision Commission with an editorial staff and a Reviser of Statutes; and

WHEREAS, the work of the Statute Revision Commission and its staff has produced five complete and up-to-date publications of the Kentucky Revised Statutes plus numerous other publications needed by the Bench and Bar of Kentucky, at prices far below those charged by private publishers for comparable materials; and

WHEREAS, since adoption of the Kentucky Revised Statutes in 1942, the Statutes Revision Commission has had to function with woefully inadequate appropriations in spite of the facts that the Commission's responsibilities, including bill drafting, have been doubled and that succeeding sessions of the General Assembly have enacted legislation which has caused the KRS to increase to at least twice the size of the 1942 edition; and

WHEREAS, any delay in the publication of a KRS edition following sine die adjournment of the 1952 General Assembly should be attributed to the following facts:

1. Loss of its able and experienced Reviser prevented the Commission from publishing a KRS edition containing enactments of the 1949, 1950 and 1951 General Assemblies;

2. The 1952 General Assembly left the present Reviser and his staff with an accumulation of nearly 2,000 new KRS sections, exclusive of former Civil Code sections, 383 of which were ordered transferred to KRS, and over 1400 amended and repealed KRS sections, detailed editorial work on which had to be done by a staff no larger than the one created in 1942;

3. Few printing houses in this area are capable of manufacturing a book containing 2000 more pages than the Webster International Dictionary and it was extremely difficult to secure a bidder willing to completely engage his plant for the time required in printing a KRS edition; and

WHEREAS, in spite of the unavoidable and unprecedented obstacles aforementioned, and with a staff of only three editors and three typists, the Statute Revision Commission published, during that two-year period in addition to the 3717-page KRS

edition, five other publications of major importance to Bench and Bar, consisting of the 1952 Legislative Acts, the tentative and final drafts of the Rules of Civil Procedure, a 1953 Supplement to Notes and Annotations to the Statutes and the Kentucky Administrative Regulations Service; and

WHEREAS, during that two-year period the Statute Revision Commission also performed all functions imposed upon it by the provisions of Chapter 63, Acts of 1952 relating to the filing and distribution of regulations of all state departments and agencies and drafted a bill to standardize practice and procedure before the departments and agencies of the state, including provisions for court review of such proceedings; and

WHEREAS, in addition to all other functions aforementioned, the staff of the Statute Revision Commission has drawn the vast majority of the 930 bills and resolutions introduced in this Session of the General Assembly; and

WHEREAS, the Statute Revision Commission continued to provide efficient and strictly impartial service to all persons having a claim on such services; and

WHEREAS, the Commission has made definite and feasible plans for its future publications of the Kentucky Revised Statutes in order that compilations of the statutes may be made available to Bench and Bar within a much shorter period of time than has heretofore been possible; and

WHEREAS, the Commission and its staff are deserving of the wholehearted support, cooperation and encouragement of the General Assembly and of all officers, departments and agencies of state government.

NOW THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That the Statute Revision Commission and its editorial staff be congratulated by this House of the General Assembly upon the high quality of accomplishments and the value of services rendered to state government as well as to the Bar of Kentucky.

Section 2. That the Commission be encouraged by this House of the General Assembly to continue its leadership among the States of the United States in the field of statute revision.

Section 3. That the Chief Clerk of the House of Representatives be instructed to transmit one copy of this Resolution to the Statute Revision Commission and one copy to the President of the Kentucky State Bar Association for publication in the Kentucky State Bar Journal.

By Mr. Webster, Mr. Breathitt, Mr. Clay, Mr. Brown, Mr. Cosby, Mr. Holt, Mr. Taylor, Mr. Morgan, Mr. Day, Mr. Ockerman, Mr. Martin, Mr. Caudill, Mr. Young, Mr. Montgomery, Mr. Billington, Mr. Lovelace, Mr. Rogers, Mr. Harris, Mr. L. M. T. Reed, Mr. Bleemel, Mr. J. Raybourne, Mr. Francis, Mr. Sanders, Mr. Hadden, Mr. Davis, Mr. Craig, Mr. Mitchell, Mr. Harralson, Mr. Banton, Mr. Edmonds, Mr. Newsom, Mr. Moorman, Mr. Winstead, Mr. Baumgardner, Mr. Heyburn, Mr. Duncan, Mr. Hill, Mr. Dowell, Mr. Conley, Mr. Bridgers, Mrs. Stovall, Mr. Lacy, Mr. Wells, Mr. Bailey, Mr. Blue, Mr. Mobley, Mr. McClanahan, Mr. Morris, Mr. Cottengim, Mr. Pollitte, Mr. Lambert and Mr. Dressman.

H. Res. No. 99. A HOUSE RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission of the fish and game laws, rules and regulations of the Commonwealth of Kentucky and the means and methods of their enforcement.

Said resolution is as follows, viz:

WHEREAS, the Governor of the Commonwealth of Kentucky, the Honorable Lawrence W. Wetherby, and the Commissioner of Conservation, the Honorable Henry Ward, together with the various agencies and departments of the State Government, have performed a great service by promoting and developing our beloved Commonwealth as a great tourist attraction which has improved the economic condition of our people; and

WHEREAS, the General Assembly and the citizens of the Commonwealth of Kentucky recognize that the fish and game which abound in our streams, lakes, fields and woodlands are a

valuable natural resource of our state and one of our greatest tourist attractions; and

WHEREAS, it appears that the conservation of these resources and the regulation and enforcement of the existing game and fish laws, rules and regulations have a tremendous influence upon the commercial use of these resources and the wise use of these resources by the sportsmen of Kentucky and the Nation; and

WHEREAS, it appears that some change in the existing laws, rules and regulations for the enforcement and conservation of our fish and wild life is desirable;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The Legislative Research Commission, with the advice and assistance of an advisory committee, is hereby requested and authorized to conduct a thorough and complete investigation, study and survey regarding the advisability of changes in the laws of the Commonwealth of Kentucky and the rules and regulations of the game and fish commission and the means and methods of enforcement thereof. Members of said advisory committee shall be appointed by the Governor of the Commonwealth of Kentucky consisting of one member of the Department of Conservation, one member of the Department of Fish and Wildlife Resources Commission, one member of the County Judges Association, one member of the County Attorney's Association, one member of the House of Representatives, one member of the Senate, one member of the League of Kentucky Sportsmen, and one member of the Kentucky Chamber of Commerce. Said Commission shall submit its report and the recommendations of the advisory committee to the Governor Elect of the Commonwealth of Kentucky by December 1, 1955 and to the 1956 Session of the General Assembly. The Clerk of the House of Representatives is directed to forward copies of this resolution to the newspapers and radio stations in the Commonwealth of Kentucky upon its passage by the 1954 House of Representatives.

Mr. Day moved that H. Res. No. 98 be adopted.

The Speaker ruled said motion out of order, and stated that H. Res. No. 98 will be referred to the Rules Committee.

INTRODUCTION OF BILLS

A bill of the following title was introduced and ordered to be printed and referred, viz:

By Mr. L. M. Tipton Reed.

H. B. No. 526. AN ACT relating to the creation of a state aviation education board and the establishment of a program thereunder granting scholarships to Kentucky students.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

Section 1. As used in this Act unless the context otherwise requires, "board" means the State Aviation Education Board.

Section 2. (1) In order to develop, stimulate and assist in the promotion of aviation and aviation education there is hereby created a board to be called the Kentucky Aviation Education Board. The board shall be composed of three members to be appointed by the Commissioner of Aeronautics. Two members shall constitute a quorum for the transaction of business, and members of the board shall serve without compensation.

(2) Any applicant for a scholarship under the terms of this Act shall be a resident of Kentucky enrolled in an accredited school and must be between sixteen and nineteen years of age. He shall be in his junior or senior year and shall meet the requirements of the Civil Aeronautics Administration for a private pilot's certificate. The completion of a course in aviation training shall be considered a highly desirable factor in the selection.

Section 3. It shall be the duty of the board to receive and pass upon, allow or disallow, all applications for scholarships made by qualified students.

Section 4. The board shall make a careful and full investi-

gation of the ability, character and qualifications of each applicant to determine his fitness to become the recipient of such scholarship. It may prescribe such rules and regulations as it deems necessary and proper to carry out the purpose and intent of this Act. The board may grant to each qualified applicant a scholarship as herein provided for the purpose of acquiring flight training upon terms and conditions imposed by the board and as provided for in this Act.

Section 5. The training program shall consist of ten hours of flight instruction in a suitable aircraft. The operator shall receive the sum of sixty dollars in compensation for the instruction of each student, thirty dollars from the Department of Aeronautics, the remaining thirty dollars to be paid by the student or local sponsoring agency. Such payment shall be made at the beginning of the training. In the event such training is not completed a refund shall be made to the Commonwealth on a pro rata basis. Under the terms of this program the operator shall bear any additional expenses incidental to such training. The student is to bear the cost of his physical examination.

Section 6. Funds appropriated for the purposes of the aviation education scholarship program and all sums received through refunds or otherwise shall be placed in the State Treasury to the credit of a trust or agency fund for the promulgation of this program. The administration of this program shall be the responsibility of the Department of Aeronautics.

Section 7. There is hereby appropriated to the board, the sum of five thousand dollars for the fiscal year 1954-1955 without lapse, and the sum of five thousand dollars for the fiscal year 1955-1956 for the purpose of carrying out the provisions of this Act. Such monies shall be expended only for the actual flight training and such funds shall not be expended by the Department of Aeronautics for administration purposes. All monies appropriated under this Act shall be disbursed only when an equal amount is raised by the individual applicant or local sponsor.

COMMITTEE REPORTS

Mr. Burnley, Chairman of the Committee on Rules, to which

the same had been previously referred, reported favorably bills and resolutions of the following titles, viz:

S. R. No. 14. A JOINT RESOLUTION authorizing and directing payment of a claim of the Rowland Paper Company.

S. R. No. 21. RESOLUTION AUTHORIZING the payment to V. T. C. Lines, Inc., of three hundred and forty ($340.00) dollars, being the amount due said company for having transported members of the Kentucky National Guard during an emergency.

S. R. No. 37. A JOINT RESOLUTION authorizing and directing payment of a claim of the Kentucky Stone Company.

S. R. No. 50. A JOINT RESOLUTION authorizing C. M. Conley and Margaret Conley to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. R. No. 51. A JOINT RESOLUTION directing the Legislative Research Commission to study the desirability of merging all independent school districts with their respective county school districts.

S. B. No. 19. AN ACT relating to the administration of estates.

S. B. No. 82. AN ACT relating to insurance applications, amending Section 304.656 of the Kentucky Revised Statutes.

S. B. No. 151. AN ACT relating to planning and zoning commissions in cities of the second class, and amending Section 100.330 of the Kentucky Revised Statutes.

S. B. No. 234. AN ACT relating to filing of public works and franchise ordinances, and amending Section 89.230 of the Kentucky Revised Statutes.

H. B. No. 164. AN ACT relating to compensation of county officers and employes, office expenses of county officers, and amending subsection (1) of Section 64.530 of the Kentucky

S. B. No. 199. AN ACT relating to metropolitan sewer districts and the extension or change of boundaries of such districts.

S. B. No. 235. AN ACT relating to metropolitan sewer districts and the construction of facilities for surface drainage at cost of benefitted property in such district.

H. B. No. 358. AN ACT concerning farmers.

H. B. No. 441. AN ACT relating to gambling devices.

S. Res. No. 26. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1954 Edition.

Whereupon, said bills and resolutions were read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

S. R. No. 48. A JOINT RESOLUTION authorizing Sibbie Caskey Perkins of Rowan County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. R. No. 52. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission, in cooperation with the Judicial Council, of the Judicial Department of the Commonwealth of Kentucky and related matters.

S. R. No. 46. RESOLUTION authorizing Dewey Rice, individually, the personal representative of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice, to sue the Commonwealth of Kentucky and the State Highway Department of Kentucky or either.

S. B. No. 13. AN ACT to amend and re-enact Section 145 of the Constitution of the Commonwealth of Kentucky.

S. B. No. 143. AN ACT relating to the time and manner of paying taxes in cities of the second, third and fourth classes and amending Section 92.590 of the Kentucky Revised Statutes.

S. B. No. 236. AN ACT relating to loan and investment companies and amending section 291.120 of the Kentucky Revised Statutes.

S. B. No. 137. AN ACT relating to highways and the financing thereof.

S. B. No. 49. AN ACT relating to judgment on two or more convictions and amending Section 288 of the Criminal Code of Practice.

S. B. No. 194. AN ACT relating to the qualifications of challengers for elections.

S. B. No. 136. AN ACT relating to Partnerships.

S. B. No. 245. AN ACT to amend Section 243.090 of the Kentucky Revised Statutes to provide for the suspension or the revocation of alcoholic beverage licenses for offenses committed prior to June 30 of each year.

S. B. No. 195. AN ACT relating to child desertion.

S. B. No. 239. AN ACT relating to the holding of elections in counties and cities of the second, third, fourth, fifth and sixth classes on the question of the issuance of bonds for the purpose of financing industrial buildings.

S. B. No. 165. AN ACT relating to the operation of municipally owned electric light and power plants, waterworks, gas plants, sewage disposal plants, electric, water and gas distribution systems, and sewerage systems in cities of the third class.

S. B. No. 215. AN ACT relating to appointment of deputy sheriffs in certain counties.

S. B. No. 173. AN ACT relating to appointment of deputy justices' courts, amending sections 25.470 and 25.660 of the Kentucky Revised Statutes.

S. B. No. 122. AN ACT relating to private corporations; and amending Section 271.025 of the Kentucky Revised Statutes.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills and resolutions be read for the second time by their titles only.

Said motion agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 162. AN ACT relating to statute revision and related Legislative services.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonweath of Kentucky:

Section 1. (1) It shall be the duty of the Legislative Research Commission to formulate, supervise and execute plans and methods for the future revision, clarification, classification, codification, arrangement, annotating, indexing, printing, binding, publication, copyrighting, sale and distribution of the Kentucky Revised Statutes, including annotations and supplements, and all editions thereof. The commission shall determine when editions shall be published and fix the prices thereof. Such printing shall not be considered printing of the first class within the meaning of the statutes relating to printing of the first class. The commission shall prepare and submit to the General Assembly such consolidation, revision and other matters relating to the statutes as can be completed from time to time.

(2) The commission shall control and supervise the use of any type acquired by the state in connection with the printing of editions of the statutes, and may permit the use of the type for the printing of pamphlets of particular portions of the statute laws requested by any state department or agency, under such terms and conditions as the commission considers reasonable.

(3) The commission, in preparing editions of the statutes for publication or distribution, shall not alter the sense, meaning or effect of any Act of the General Assembly, but may renumber sections and parts of sections of the Acts of the Gen-

eral Assembly, change the wording of head-notes, rearrange sections, change reference numbers to agree with renumbered chapters or sections, substitute the proper section or chapter numbers for the terms "this Act," "the preceding section," and the like, strike out figures where they are merely a repetition of written words, change capitalization for the purpose of uniformity, and correct manifest clerical or typographical errors. When any edition of the statutes is published by the commission, the director shall prepare a certificate certifying that each section printed in such edition has been compared with the original section in the enrolled Kentucky Revised Statutes, or, in the case of sections of Acts enacted after the adoption of the Kentucky Revised Statutes, with the original section in the enrolled bill, and that, with the exception of the changes in form permitted by this section, the sections in the printed edition are correctly printed. One copy of the edition, with the original certificate affixed thereto, shall be filed in the office of the Secretary of State. All other copies of the edition shall contain a printed copy of the certificate. Any edition so certified shall constitute prima facie evidence of the law in all courts and proceedings, and any section in such edition may be amended or repealed by reference to the section number, without reference to the legislative Act from which it was compiled. No compilation of the statute laws of Kentucky not bearing such a certificate shall be admissible as evidence of the law in any court or proceeding.

(4) The commission shall keep in its office an accurate and complete record of all legislation enacted by the General Assembly and shall study same for the purpose of determining the intention and the effect thereof. The commission shall prepare and keep accurate and complete annotations of court decisions construing the statutes. The commission shall advise and assist the members of the General Assembly in the preparation and revision of legislation and matters connected therewith. The commission shall, when requested by the General Assembly or either house thereof, report to the General Assembly on bills introduced, calling attention to their effect on existing legislation and to any deficiencies in their form.

Section 2. In the formulation of the plans and methods provided for in Section 1 of this Act, the Legislative Research

Commission shall act with the consent and approval of an Advisory Committee on Statute Revision, consisting of four members, to be appointed by the Governor from a list of eight persons, learned in the law, submitted by the Board of Commissioners of the Kentucky State Bar Association. The members of this committee shall serve for four years and until their successors are appointed and have qualified. Vacancies in the committee shall be filled by appointment by the Governor from a list of two names for each vacancy submitted by the Board of Commissioners of the Kentucky State Bar Association. Not more than three members of the committee shall be members of the same political party. The members of the committee shall receive no compensation for their services, but shall receive their reasonable and necessary expenses in connection with the performance of their duties, to be paid out of sums appropriated to the Legislative Research Commission.

Section 3. The execution of the functions provided for in Section 1 of this Act shall be carried out by the staff of the Legislative Research Commission under the immediate and direct supervision of an employe to be designated Reviser of Statutes, who shall be appointed by the director of the commission. The reviser shall be a member of the Bar of Kentucky or a person who has had at least two years of responsible experience in statute revision work in some other state.

Section 4. Upon the effective date of this Act all records, furniture, supplies, printed books and other property now held by the Statute Revision Commission shall be transferred to the Legislative Research Commission. Any appropriated funds which have not been expended by the Statute Revision Commission shall be used by the Legislative Research Commission for the purposes of this Act, and all trust and agency funds maintained by the Statute Revision Commission shall be transferred to the Legislative Research Commission for use for the purposes of this Act.

Section 5. KRS 447.070 through 447.140 are hereby repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided to the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman mover that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
William J. Conley
R. Josh Cosby
W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte

Roger E. Qualls	William A. Routh	W. W. Webster
Paul T. Ratcliffe	Cecil C. Sanders	Hicks Wells
Jack Raybourne, Jr.	W. R. Smith	William B. Wells
Hobart Rayburn	Mrs. Thelma L. Stovall	T. D. Winstead
L. M. Tipton Reed	C. Waitman Taylor	Charles W. Wirsch
Robert Reid	Will Tom Wathen	Walker H. Wiseman
Russell Reynolds		Paul E. Young
Lloyd E. Rogers		

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Those who voted in the negative were—

Harry M. Caudill	Henry R. Heyburn	E. H. Stumbo
Cassius M. Clay	William J. Marcum	James Treadway
Paul Cobb	Tom Mobley	Eulick Walsh
John L. Day	LeRoy Saylor	Dr. Clyde D. Wooton

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed by reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that asid bill be delivered to the Senate.

The Speaker appointed a committee, as set out in H. Res. No. 77, to invite Honorable Earl C. Clements to address the General Assembly. Said committee was as follows: Mr. Lowman, Mr. Wathen and Mr. Lambert.

The Speaker appointed a committee, as set out in H. Res. No. 69, to invite Honorable John Sherman Cooper to address the General Assembly. Said committee is as follows: Mr. Lambert, Mr. Buchanan and Mr. Lowman.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 163. AN ACT relating to administrative regulations.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The functions provided in KRS 13.080 to 13.125 to be performed by the Statute Revision Commission shall hereafter be performed by the Legislative Research Commission.

Section 2. Any unexpended appropriated funds and the trust and agency fund maintained by the Statute Revision Commission in carrying out the provisions of KRS 13.080 to 13.125 are transferred to the Legislative Research Commission, for use for the purposes of KRS 13.080 to 13.125.

Section 3. KRS 13.110, 13.120, 13.130 and 13.135 are repealed.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	Charles W. Buchanan
Walter J. Bailey	Leo A. Bleemel	Harry M. Caudill
John Rhea Banton	J. C. Bradley	Cassius M. Clay
Wallace Bartley	Edward T. Breathitt, Jr.	William J. Conley
Charles E. Baumgardner, Sr.	Edward O. Bridgers	R. Josh Cosby
	John Young Brown	Vernor O. Cottengim

Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Those who voted in the negative were—

Paul Cobb
William J. Marcum
James Treadway

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 198. AN ACT relating to zoning and planning in cities of the first class and counties containing such cities.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 100.067 of the Kentucky Revised Statutes is amended to read as follows:

(1) For the aforesaid purposes, the legislative body of such city and fiscal court of such county, respectively, are hereby empowered to regulate, within their respective jurisdictions, the locations, height, bulk, number of stories, and size of buildings and other structures, the percentage of lot area which may be occupied by buildings or structures, the size of yards, courts and other open spaces, building setback lines on streets and highways, and the future location and width of streets, whether public or private, and highways, the density of population, the erection, use and occupancy of buildings or structures, and the use of land, for trade, industry or residence, or other purposes. Except as to said setback lines and the future location and width of streets and highways, the foregoing enumeration of powers shall not apply to land used solely for agricultural, farming, dairying, stockraising or similar purposes, nor buildings nor structures thereon, but if any portion of any such land or any building or structure on such land is used for commercial or business purposes then that portion of the land and any such building or structure shall be subject to all of the above regulations.

Section 2. Subsection (1) of Section 100.093 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person owning land composing a subdivision, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within such subdivision by reference to, or exhibition of, or by any other use of a plat of such subdivision, before such plat has been approved, filed and recorded as provided in KRS 100.088 to 100.092. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded,

but any and all rights of such purchaser to damages, if any, are hereby preserved.

Mr. Bridgers mover the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	C. E. Dowell	Jennings H. Kearby
Walter J. Bailey	Harold Edmonds	Talmage Lacy
Wallace Bartley	Addison L. Everett	George H. Lovelace
Charles E. Baumgardner, Sr.	Herbert Fern	Harry King Lowman
Owen Billington	Thomas P. Fitzpatrick	Shelby McCallum
Leo A. Bleemel	Cabell D. Francis	Ralph E. McClanahan
Edward O. Bridgers	W. L. Hadden	William C. Mann
Charles W. Buchanan	C. Ruby Harralson	William J. Marcum
Harry M. Caudill	George F. Harris	Robert K. Montgomery
R. Josh Cosby	Lon C. Hill	Fred Morgan
Vernor O. Cottengim	Estill R. Hilton	Eddie J. Morris
W. Marvin Davis	Chester J. Holsclaw	Thomas J. Murphy
Albert Dempsey	Varna Holt	Goebel W. Newsom, Jr.
	William M. Horn	
	William L. Jones	

Foster Ockerman	Lloyd E. Rogers	Eulick Walsh
Louis T. Peniston	William A. Routh	Will Tom Wathen
Edward D. Pollitte	Cecil C. Sanders	W. W. Webster
Roger E. Qualls	W. R. Smith	Hicks Wells
Jack Raybourne, Jr.	Mrs. Thelma L. Stovall	William B. Wells
Hobart Rayburn	C. Waitman Taylor	Mrs. Randolph Wilson
L. M. Tipton Reed	James Treadway	Walker H. Wiseman
Robert Reid		
Russell Reynolds		—64

Those who voted in the negative were—

J. C. Bradley	Henry R. Heyburn	Paul T. Ratcliffe
John Young Brown	Caleb McFadden	LeRoy Saylor
William J. Conley	Carl D. Melton	E. H. Stumbo
Charles W. Craig	Alton B. Mitchell	Charles W. Wirsch
John L. Day	Tom Mobley	Dr. Clyde D. Wooton
Harold G. Helm	Walter R. Moorman	Paul E. Young
David Heskamp		—19

Resolved that the title thereof be as aforesaid.

Mr. Bridgers moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 348. AN ACT relating to pawnbrokers.

Said bills is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 226.080 of the 1953 Edition of the Kentucky Revised Statutes is hereby repealed.

Mr. Holsclaw moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
William A. Routh

Cecil C. Sanders	Eulick Walsh	T. D. Winstead
LeRoy Saylor	Will Tom Wathen	Charles W. Wirsch
W. R. Smith	W. W. Webster	Walker H. Wiseman
Mrs. Thelma L. Stovall	Hicks Wells	Dr. Clyde D. Wooton
	Mrs. Randolph Wilson	Paul E. Young
C. Waitman Taylor		—78

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

House Bill No. 354. AN ACT to prevent unfair cigarette sales in Kentucky.

Said bill is as follows, Viz:

WHEREAS, Unfair, dishonest, deceptive, destructive and fraudulent business practices existing in transactions involving the sale of, offer to sell, or inducement to sell, cigarettes in the wholesale and retail trades in this State have been and are demoralizing and disorganizing the said trades; and

WHEREAS, The advertising, offering for sale, or sale of cigarettes below cost in the wholesale and retail trade with the intent of injuring competitors or destroying or substantially lessening competition, is an unfair and deceptive business practice; and

WHEREAS, Such practices adversely affect the collection of taxes from the sale of cigarettes and license fees imposed on wholesalers and retailers and others engaged in the sale of cigarettes; and

WHEREAS, It is hereby declared to be the policy of this Commonwealth to promote the public welfare by prohibiting such sales, and to foster and encourage competition by prohibiting unfair, dishonest, deceptive, destructive, fraudulent dis-

criminatory practices by which fair and honest competition is destroyed or prohibited, and it is the purpose of this act to carry out that policy in the public and in the Commonwealth's interest; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. SHORT TITLE. This act shall be known and may be cited as the "Act To Prevent Unfair Cigarette Sales In Kentucky".

2. DEFINITIONS. When used in any part of this act, the following words, terms and phrases and any variations thereof required by the context, shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning:

a. "Person" shall mean and include any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, the Commonwealth of Kentucky and any municipal corporation or other political subdivision of this State, trust, receiver, trustee, fiduciary, conservator.

b. "Commissioner" shall mean the Commissioner of Revenues of the Commonwealth of Kentucky.

c. "Department" shall mean the Department of Revenue.

d. "Cigarettes" shall mean and include any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material, excepting tobacco.

e. "Wholesale" shall mean any person, wherever resident or located, who sells cigarettes at wholesale or distributes cigarettes to be sold at retail, and it includes any manufacturer, distributor, jobber, broker, agent or other person, whether or not enumerated in this subsection, who so sells or so distributes cigarettes.

f. "Retailer" shall mean and include any person who sells cigarettes in this State to a consumer or to any person for any purpose other than resale.

g. "Sale" or "sell" shall mean any transfer for a consideration, exchange, barter, gift, offer for sale, advertising for sale, soliciting an order for cigarettes and distribution in any manner or by any means whatsoever.

h. "Sell at wholesale", "sale at wholesale" and "wholesale sales" shall mean and include any sale made in the ordinary course of trade or usual conduct of the wholesaler's business to a retailer for the purpose of resale.

i. "Sell at retail", "sale at retail", or "retail sales" shall mean and include any sale for consumption or use made in the ordinary course of trade or usual conduct of the seller's business.

j. "Basic cost of cigarettes" shall mean whichever of the two following amounts is lower, namely, (1) the invoice cost of cigarettes to the wholesaler or retailer, as the case may be, or (2) the lowest replacement cost of cigarettes to the wholesaler or retailer, as the case may be, within thirty days prior to the date of sale, in the quantity last purchased (whether within or before the said thirty-day period), less, in either of said two cases, all trade discounts except customary discounts for cash, plus the full face value or any stamps or any tax which may be required by any cigarette tax act of this State or political subdivision thereof, now in effect or hereafter enacted, if not already included in the invoice cost of the cigarettes to the wholesaler or retailer, as the case may be.

k. (1) "Cost to wholesaler" shall mean the basic cost of the cigarettes involved to the wholesaler plus the cost of doing business by the wholesaler, as evidenced by the standards and methods of accounting regularly employed by him, and must include, without limitation, labor costs (including salaries of executives and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising.

(2) In the absence of proof of a lesser or higher cost of doing business by the wholesaler making the sale, the cost of doing business by the wholesaler shall be presumed to be two per centum (2%) of the basic cost of the said cigarettes ot the wholesale dealer, plus cartage to the retail outlet, if per-

formed or paid for by the wholesale dealer, which cartage cost, in the absence of proof of a lesser or higher cost, shall be presumed to be three-fourths of one per centum (¾ of 1%) of the basic cost of the said cigarettes to the wholesaler.

l. (1) "Cost to the retailer" shall mean the basic cost of the cigarettes involved to the retailer plus the cost of doing business by the retailer as evidenced by the standards and methods of accounting regularly employed by him and must include, without limitation, labor (including salaries of executives and officers), rent, depreciation, selling costs, maintenance of equipment, delivery cost, all types of licenses, taxes, insurance and advertising.

(2) In the absence of proof of a lesser or higher cost of doing business by the retailer making the sale, the cost of doing business by the said retailer shall be presumed to be eight per centum (8%) of the basic cost of cigarettes to the said retailer.

(3) In the case of any retailer who in connection with the said retailers purchase of any cigarettes shall receive not only the discounts ordinarily allowed upon purchases by a retailer, but also in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, the cost of doing business by the said retailer with respect to the said cigarettes shall be, in the absence of proof of a lesser or higher cost of doing business by the said retailer, the sum of the cost of doing business by the retailer and, to the extent that he shall have received the full discounts ordinarily allowed to a wholesaler, the cost of doing business by a wholesaler as hereinabove defined in sub-division K (2).

3. SALES AT LESS THAN COST; PENALTY.

a. It shall be unlawful for any wholesaler or retailer, with intent to injure competitors or destroy or substantially lessen competition, to advertise, offer to sell, or sell, at wholesale or retail, cigarettes at less than cost to such wholesaler or retailer, as the case may be, as defined in this Act. It shall be unlawful for any wholesaler or retailer with intent to injure competitors or destroy or substantially lessen competition to offer a rebate in price, to give a rebate in price, to offer a

concession of any kind or to give a concession of any kind or nature whatsoever in connection with the sale of cigarettes. It shall be unlawful for any retail dealer to induce or attempt to induce or to procure or attempt to procure the purchase of cigarettes at a price less than "cost to wholesaler" and it shall be unlawful for any retail dealer to induce or attempt to induce or to procure or attempt to procure any rebate or concession of any kind of nature whatsoever in connection with the purchase of cigarettes. Any wholesaler or retailer who violates the provisions of this section shall be guilty of a misdemeanor and be punishable by fine of not more than five hundred dollars ($500.00).

b. Evidence of advertisement, offering to sell, or sale of cigarettes by any wholesaler or retailer at less than cost to him, or evidence of any offer of a rebate in price or the giving of a rebate in price or an offer of a concession or the giving of a concession of any kind or nature whatsoever in connection with the sale of cigarettes or the inducing or attempt to induce or the procuring or the attempt to procure the purchase of cigarettes at a price less than cost to the wholesaler or the retailer, as defined in this Act, shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

4. COMBINATION SALES. In all advertisements, offers for sale or sales involving two or more items, at least one of which items is cigarettes, at a combined price, and in all advertisements, offers for sale, or sale, involving the giving of any gift or concession of any kind whatsoever (whether it be coupons or otherwise), the wholesaler's or retailer's combined selling price shall not be below the cost to the wholesaler or the cost to the retailer, respectively, of the total of all articles, products, commodities, gifts and concessions included in such transactions, except that if any such articles, products, commodities, gifts or concessions, shall not be cigarettes, the basic cost thereof shall be determined in like manner as provided in subdivision "j" of Section 2.

5. SALES BY A WHOLESALER TO A WHOLESALER. When one wholesaler sells cigarettes to any other wholesaler,

the former shall not be required to include in his selling price to the latter, "cost to the wholesaler", as provided by Section 2 of this act, but the latter wholesaler, upon resale to a retailer, shall be subject to the provisions of said section.

6. SALES EXCEPTIONS. The provisions of this act shall not apply to a sale at wholesale or a sale at retail made (a) in an isolated transaction and not in the usual course of business; (b) where cigarettes are advertised, offered for sale, or sold in a bona fide clearance sale for the purpose of discontinuing trade in such cigarettes and said advertising, offer to sell, or sale shall state the reason thereof and the quantity of such cigarettes advertised, offered for sale, or to be sold; (c) where cigarettes are advertised, offered for sale, or sold as imperfect or damaged, and said advertising, offer to sell, or sale shall state the reason therefor and the quantity of such cigarettes advertised, offered for sale, or to be sold; (d) where cigarettes are sold upon the final liquidation of a business; or (e) where cigarettes are advertised, offered for sale, or sold by any fiduciary or other officer acting under the order or direction of any court.

7. TRANSACTIONS PERMITTED TO MEET LAWFUL COMPETITION.

a. Any wholesaler may advertise, offer to sell or sell cigarettes at a price made in good faith to meet the price of a competitor who is rendering the same type of service and is selling the same article at cost to the said competing wholesaler as defined by this Act. Any retailer may advertise, offer to sell or sell cigarettes at a price made in good faith to meet the price of a competitor who is selling the same article at cost to the said competing retailer as defined in this Act. The price of cigarettes advertised, offered for sale, or sold under the exceptions specified in section 6 shall not be considered the price of a competitor and shall not be used as a basis for establishing prices below cost, nor shall the price established at a bankrupt sale be considered the price of a competitor within the purview of this section.

b. In the absence of proof of the actual cost to the said competing wholesaler or to the said competing retailer, as the

case may be, such cost may be presumed to be the lowest cost to wholesaler or the lowest cost to retailer, as the case may be, within the same trading area is as determined by a cost survey made pursuant to section 9-b.

8. SALES CONTRACTS VOID. Any contract, expressed or implied, made by any person in violation of any of the provisions of this act, is illegal and void and no recovery shall be had thereon.

9. ADMISSIBLE EVIDENCE.

a. In determining cost to the wholesaler and cost to the retailer the court shall receive and consider as bearing on the bona fides of such cost, evidence tending to show that any person complained against under any of the provisions of this act purchased the cigarettes involved in the complaint before the court, at a fictitious price, or upon the terms, or in such a manner, or under such invoices, as to conceal the true cost, discounts or terms of purchase, and shall also receive and consider as bearing on the bona fides of such cost, evidence of the normal, customary and prevailing terms and discounts in connection with other sales of a similar nature in the trade area or State.

b. Cost Survey. Where a cost survey pursuant to recognized statistical and cost accounting practices has been made for the trading area in which a violation of this act is committed or charged, to determine and establish on the basis of actual existing conditions the lowest cost to wholesalers or the lowest cost to retailers within the said area, the said cost survey shall be deemed competent evidence in any action or proceeding under this act as tending to prove actual cost to the wholesaler or actual cost to the retailer complained against, but any party against whom any such cost survey may be introduced in evidence shall have the right to offer evidence tending to prove any inaccuracy of such cost survey or any state of facts which would impair its probative value.

10. SALES OUTSIDE ORDINARY CHANNELS OF BUSINESS; EFFECT. In establishing the basic cost of cigarettes to a wholesaler or a retailer it should not be permissible to use the invoice cost or the actual cost of any cigarettes purchases

at a forced, bankrupt, or closeout sale, or other sale outside of the ordinary channels of trade.

11. REMEDIES.

a. The State Department of Revenue, or any person injured by any violation, or who would suffer injury from any threatened violation of this act, may maintain an action in any court of equitable jurisdiction to prevent, restrain, or enjoin such violation of threatened violation. If in such action a violation or threatened violation of this act shall be established the court shall enjoin and restrain, or otherwise prohibit, such violations or threatened violation, and in addition thereto, the court shall assess in favor of the plaintiff and against the defendant the cost of suit including reasonable attorney's fees. In such action it shall not be necessary that actual damages to the plaintiff be alleged or proved, but where alleged and proved, the plaintiff in said action, in addition to such injunctive relief and costs of suit, including reasonable attorney's fees, shall be entitled to recover from the defendant the actual damages sustained by him.

b. In the event that no injunctive relief is sought or required, any person injured by a violation of this act may maintain an action for damages and costs of suit in any court of general jurisdiction.

12. STATE DEPARTMENT OF REVENUE; POWERS AND DUTIES. The State Department of Revenue shall prescribe, adopt, and enforce rules and regulations for the enforcement of this act and it is empowered to any may from time to time undertake and make or cause to be made one or more cost surveys for the state or such trading area or areas as it shall define and when each such cost survey shall have been made by or approved by the said department it shall be permissible to use such cost survey as provided in section 7-b and 9-b of this act.

The department may, upon notice and after hearing, revoke or suspend any license issued under provisions of KRS 137.040— 137.050 — 137.070 and the rules and regulations of the said department promulgated thereunder, for failure of any person

to comply with any provisions of this act or any rule or regulation adopted thereunder.

All of the powers vested in the Commissioner and Department of Revenue by the provisions of the Cigarette Tax Law shall be available for the enforcement of this Act To Prevent Unfair Cigarette Sales In Kentucky.

Any person aggrieved by any decision, order or finding of said department, suspending or revoking any such license, may appeal therefrom to the Kentucky Tax Commission by filing a petition of appeal with said commission in the manner and form and within the time and subject to such terms and conditions as said commission shall by rules prescribe.

The judgment or order of said commission may be reviewed by a court of competent jurisdiction in the Commonwealth.

13. LICENSE. After the effective date of this act, no person shall engage in or conduct the business of purchasing for resale or selling cigarettes without having first obtained the appropriate license for that purpose.

Any person licensed only as a wholesaler shall not operate as a retailer unless the appropriate license therefor is first secured, and any person licensed only a retailer shall not operate as a wholesaler unless the appropriate license therefor is first secured.

14. PARTIAL UNCONSTITUTIONALITY. The provisions of this act shall be deemed to be severable and if for any reason any provision shall be determined to be unconstitutional or invalid, such determination shall not be held to affect any other provision hereof.

Mr. Jack Raybourne moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Charles E. Baumgardner, Sr.	George F. Harris	Edward D. Pollitte
Owen Billington	Chester J. Holsclaw	Roger E. Qualls
Edward O. Bridgers	Harry King Lowman	L. M. Tipton Reed
John Young Brown	Shelby McCallum	Russell Reynolds
Charles W. Buchanan	Ralph E. McClanahan	LeRoy Saylor
Harry M. Caudill	Caleb McFadden	E. H. Stumbo
William J. Conley	Damon Majors	C. Waitman Taylor
Charles W. Craig	William C. Mann	Eulick Walsh
Albert Dempsey	Fred Morgan	Will Tom Wathen
Addison L. Everett	Goebel W. Newsom, Jr.	Dr. Clyde D. Wooton
Thomas P. Fitzpatrick		Paul E. Young

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Those who voted in the negative were—

Wallace Bartley	Herbert Fern	Jennings H. Kearby
Leo A. Bleemel	Cabell D. Francis	Talmage Lacy
J. C. Bradley	W. L. Hadden	James W. Lambert
Edward T. Breathitt, Jr.	C. Ruby Harralson	George H. Lovelace
Cassius M. Clay	Harold G. Helm	George R. Martin
Paul Cobb	David Heskamp	Carl D. Melton
R. Josh Cosby	Henry R. Heyburn	Alton B. Mitchell
W. Marvin Davis	Lon C. Hill	Robert K. Montgomery
John L. Day	Varna Holt	Walter R. Moorman
	William M. Horn	

Thomas J. Murphy	Joe Rouse	W. W. Webster
Louis T. Peniston	William A. Routh	Hicks Wells
Paul T. Ratcliffe	Cecil C. Sanders	Mrs. Randolph Wilson
Jack Raybourne, Jr.	W. R. Smith	Charles W. Wirsch
Hobart Rayburn	Mrs. Thelma L. Stovall	Walker H. Wiseman
Robert Reid	James Treadway	
Lloyd E. Rogers		—46

Resolved that the title thereof be as aforesaid.

Mr. Montgomery moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed a resolution originating in that body as follows, viz:

S. Res. No. 63. A CONCURRENT RESOLUTION providing for sine die adjournment of the Regular Session of the General Assembly of 1954.

Said resolution is as follows, viz:

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and House of Representatives adjourn on March 19, 1954, they do adjourn sine die.

A message was received from the Senate that they had passed bill originating in the House as follows, viz:

H. B. No. 365. AN ACT relating to public school education: to provide for the establishment, operation, and financing of a foundation program for the public schools in the Commonwealth of Kentucky, etc.

With Senate Amendment attached thereto; and

Requesting that the House concur in said amendment.

H. B. No. 206. AN ACT relating to state tuberculosis hospitals and the State Tuberculosis Hospital Commission.

With Senate amendment attached thereto; and

Requesting that the House concur in said amendment.

H. B. No. 176. AN ACT relating to frozen food locker plants.

Ordered that said bill be delivered to the enrolling clerk.

H. B. No. 342. AN ACT relating to trailer coach parks.

With Senate Amendment attached thereto; and

With the request that the House concur in said amendment.

H. B. No. 383. AN ACT relating to the practice of chiropdy.

Ordered that said bill be delivered to the enrolling clerk.

Mr. Brown moved that all House Bills and all House Resolutions now in the Orders of the Day and posted on the board be passed on one roll call, and clerk's record show separate roll call on each bill and resolution.

Said motion was disagreed to by voice vote.

Mr. Wathen moved that S. B. No. 109 be taken from the Orders of the Day for consideration by the House.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (5) of section 83.040 of the Kentucky Revised Statutes is amended to read as follows:

(5) Each alderman shall be paid a salary of two hundred dollars per month, but shall not receive any additional compensation for attending special or called meetings.

Section 2. This Act shall take effect on December 1, 1955.

Said motion disagreed to by voice vote.

Mr. Wathen moved that H. B. No. 427 be taken from the Orders of the Day for consideration by the House.

Said bill is as follows, viz:

Be is resolved by the General Assembly of the Commonwealth of Kentucky:

Subsection (4) of Section 213.050 of the Kentucky Revised Statutes is hereby amended to read as follows:

The certificate of birth shall be in the standard form adopted by the United States Census Bureau, except that nothing contained in such certificate shall indicate whether the child is legitimate or illegitimate. All certificates shall be written legibly, in unfading ink. No certificate shall be held to be complete and correct that does not supply all items of information called for therein, or satisfactorily account for their omission. If a certificate of birth is complete, the registrar shall immediately notify the informant, and require him to supply the missing items if they can be obtained.

Said motion was disagreed to by voice vote.

Mr. Wathen moved that the House take up H. B. No. 16 for concurrence in Senate amendments.

Said motion was agreed to by voice vote.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.520 of the Kentucky Revised States is hereby amended to read as follows:

(1) No person under the influence of intoxicating liquors or narcotic drugs shall operate a vehicle that is not a motor vehicle upon a highway.

(2) No person shall operate a motor vehicle on a highway while under the influence of intoxicating liquors or narcotic drugs.

(3) No peace officer or Highway Patrolman shall fail to enforce rigidly this section.

(4) In any criminal prosecution for a violation of subsections (1) or (2) of this section, wherein the defendant is

charged with having operated a vehicle while under the influence of intoxicating liquors, the amount of alcohol in the defendant's blood, as determined at the time of making a chemical analysis of his blood, urine, breath or other bodily substance, shall give rise to the following presumptions:

(a) If there was 0.05 percent or less by weight of alcohol in such blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

(b) If there was more than 0.05 percent, but less than o.15 percent by weight of alcohol in such blood, such fact shall not constitute a presumption that the defendant either was or was not under the influence of intoxicating liquor, but such fact may be considered, together with other competent evidence, in determining the guilt or innocence of the defendant;

(c) If there was 0.15 per cent or more by weight of alcohol in such blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(5) The provisions of subsection (4) of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the defendant was under the influence of intoxicating liquor.

(6) No person may be compelled to submit to any test specified in subsection (4) of this section, but his refusal to submit to such test shall authorize suspension of his motor vehicle operators license by the Department of Revenue for a period of not less than six months.

With Senate amendment as follows, viz:

Amendment No. 1—On page 2, subsection 6, line 36, by striking the following:

"shall authorize suspension of his motor vehicle operators license by the Department of Revenue for a period of not less than six months."

and substituting in lieu thereof the following:

"may be commented upon by the Prosecution in the trial against

any person charged with operating any vehicle while under the influence of alcohol."

Mr. Wathen moved that the House concur in said Senate Amendment.

Said motion was agreed to by voice vote.

Said amendment adopted.

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Wathen moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward O. Bridgers	Albert Dempsey
John Rhea Banton	John Young Brown	James A. Dressman, Jr.
Wallace Bartley	Charles W. Buchanan	Harold Edmonds
Charles E. Baumgardner, Sr.	Harry M. Caudill	Addison L. Everett
Owen Billington	Cassius M. Clay	Herbert Fern
Leo A. Bleemel	Paul Cobb	Thomas P. Fitzpatrick
J. C. Bradley	R. Josh Cosby	Cabell D. Francis
Edward T. Breathitt, Jr.	Charles W. Craig	W. L. Hadden
	W. Marvin Davis	C. Ruby Harralson
	John L. Day	

George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Caleb McFadden
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be considered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed a bill originating in that body as follows, viz:

S. B. No. 63. AN ACT relating to the creation of an independent state agency to be known as the Kentucky Commission of Alcoholism, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The purpose of this Act is to establish a statewide program for the rehabilitation of alcoholics, research into the causes and prevention of alcoholism, and public education concerning the problem of alcoholism.

Section 2. (1) For the purpose of carrying out the provisions of this Act, there is hereby created a Commission to be hereafter known as the Kentucky Commission on Alcoholism. The Commission shall constitute an agency independent of the administrative department provided for in Chapter 12 of the Kentucky Revised Statutes.

(2) The Commission shall consist of seven members with an interest in and knowledge of the alcoholism problem, said members to be appointed by the Governor. At least two of the seven members shall be doctors, and one of the doctors shall be a psychiatrist. Three members shall be appointed for a term of one year, two members shall be appointed for a term of two years and two members shall be appointed for a term of three years. At the expiration of these terms appointments shall be for terms of four years. Appointments shall be made by the Governor to fill any existing vacancies.

(3) The duties of the Commission shall be to study the problems of alcoholism within the state, to formulate and carry out programs of education designed to curb the excessive use of alcohol and reduce the number of inebriates, to establish such facilities and employ such personnel as are necessary and available for the diagnosis and rehabilitation of inebriates, to accept for examination, diagnosis, guidance and treatment, insofar as funds permit, any person coming to it of his own volition for advice and guidance.

(4) Members of the Commission shall be reimbursed at the rate of twenty-five dollars per diem plus necessary expenses for each meeting attended during each year, said compensation and expenses not to be paid for meetings exceeding ten in number in any one year.

(5) A chairman and a vice-chairman of he Commission shall be elected at the first meeting and every year thereafter. The Commission shall keep a complete and accurate record of all its proceedings.

Section 3. The Commission shall appoint with the approval of the Governor an Executive Director who shall serve for a term of four years and until his successor is appointed and has qualified, subject to removal at any time at the discretion of the Com-

mission. The Commission shall fix the salary of the Executive Director, within the limits of the appropriations made to the Commission.

Section 4. The Commission shall be empowered to contract for space and facilities to be used for out-patient clinics, and to contract with hospitals and private doctors for the emergency hospitalization and care of chronic alcoholics. The Commission shall employ such medical, psychiatric, psychological secretarial and other assistance as may be necessary to carry out the provisions of this Act.

Section 5. The Commission shall be empowered to accept gifts, bequests, contributions and patient fees at its discretion. Such moneys shall go into a trust and agency fund to be used in furthering the work of the Commission.

Section 6. The Commission shall be authorized to establish rules and regulations for the admission of patients to its facilities and to set fees for treatment. Fees shall be scaled according to the ability of the patient to pay.

Section 7. The State Property and Buildings Commission shall furnish adequate office and clinical space to the Kentucky Commission on Alcoholism when so requested in accordance with Chapter 56 of the Kentucky Revised Statutes.

Section 8. There is hereby appropriated the sum of $50,000 for the 1954-1955 fiscal year, without lapse in that year, and the sum of $100,000 for the 1955-1956 fiscal year to the Kentucky Commission on Alcoholism for the purpose of enabling the Commission to establish a state-wide program for the treatment and rehabilitation of alcoholics, research into the causes and prevention of alcoholism, and public education concerning this disorder.

Ordered printed and referred.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 147. AN ACT relating to abandoned refrigerators, iceboxes, and ice chests.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person, firm or corporation which abandons or discards, in any place accessible to children, any refrigerator, icebox or ice chest, of a capacity of one and one-half cubic feet or more, which has an attached lid or door wrich may be opened or clsoed by means of an attached latch, or any owner, lessee or manager of such place who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain in such condition, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars, or imprisoned not more than thirty days, or both.

Mr. Dempsey moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Leo A. Bleemel	Harry M. Caudill
Walter J. Bailey	J. C. Bradley	Cassius M. Clay
John Rhea Banton	Edward T. Breathitt, Jr.	Paul Cobb
Wallace Bartley	Edward O. Bridgers	William J. Conley
Charles E. Baumgardner, Sr.	John Young Brown	R. Josh Cosby
Owen Billington	Charles W. Buchanan	W. Marvin Davis
		John L. Day
		Albert Dempsey

James A. Dressman, Jr.
Harold Edmonds
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Caleb McFadden
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
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Resolved that the title thereof be as aforesaid.

Mr. Dempsey moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Brown moved that when the House adjourn, it adjourn out of respect to House Member, Mr. Dempsey.

Said motion was agreed to.

The Speaker appointed Mr. Hilton, Mr. Webster and Mr. Lowman as a committee to work with a like committee from the Senate regarding the matter of the Poet Laureate of Kentucky.

Mr. Lowman moved that H. Res. No. 18 be taken from the Orders of the Day for consideration by the House.

Said motion was agreed to.

Said resolution is as follows, viz:

WHEREAS, there is need for a research study of the legislative process in the Commonwealth of Kentucky, and

WHEREAS, it appears that such a study will reveal imperfections in our present legislative process, and

WHEREAS, it appears that such a study will provide factual information leading to future changes in the legislative process which will make that process more democratic, and

WHEREAS, the Legislative Research Commission has the personnel and facilities to make such a research study, and to make a comprehensive report based thereon;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission be, and it is hereby authorized and directed to make a comprehensive research study of the legislative process in the Commonwealth of Kentucky;

That in the study of this subject, particular attention be given to the improvement of the legislative process to make it more democratic, either through a change in the length and frequency of sessions of the General Assembly or through improved legislative procedure, or both;

That the study contemplated by this resolution be completed by the Legislative Research Commission not later than six months prior to the next regular session of the General Assembly, and that a public report of the findings of the Legislative Research Commission based on this study be published.

Mr. Lowman moved the adoption of H. Res. No. 18.

Said motion agreed to by voice vote.

Said resolution adopted.

Ordered that said resolution be delivered to the Senate.

Mr. Lowman moved that H. Res. No. 97 be taken from the Orders of the Day for consideration by the House.

Said motion agreed to.

Said resolution is as follows, viz:

WHEREAS, the present garnishment law of Kentucky is based on 1893 and 1910 acts of the General Assembly;

WHEREAS, economic and social conditions have changed radically since the enactment of these laws;

WHEREAS, proposed legislation which would change garnishment and execution procedures has been considered by each of the last four sessions of the General Assembly; and

WHEREAS, the information should be collected upon which the members of future sessions of the General Assembly can base their decisions regarding this matter;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is hereby authorized and directed to make a comprehensive study and survey of the present garnishment and execution laws of Kentucky, of similar statutes in other states, and of the effect of possible changes in the present law on the rights of both creditors and debtors in the Commonwealth.

Section 2. That the Legislative Research Commission shall submit its findings to the 1956 Regular Session of the General Assembly.

Mr. Lowman moved the adoption of H. Res. No. 97.

Said motion agreed to.

Said resolution adopted.

Ordered that said resolution be delivered to the Senate.

Mr. Lowman moved that the House adjourn until 11:00 A. M. Thursday, March 18, 1954.

Said motion agreed to.

And the House did then adjourn.

THURSDAY, MARCH 18, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter, Rector of the Church of the Ascension, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub

Hicks Wells	T. D. Winstead	Charles W. Burnley,
William B. Wells	Charles W. Wirsch	Speaker
Mrs. Randolph Wilson	Dr. Clyde D. Wooton	
	Paul E. Young	—88

Mr. Lowman moved that the reading of the Journal of the proceedings of Wednesday, March 17, 1954, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Lowman moved that S. B. No. 13 be made a Special Order of the Day for 2:00 P. M.

Said motion was agreed to by voice vote.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 425. AN ACT relating to condemnation for underground oil or gas storage fields giving access thereto, etc.

H. B. No. 150. AN ACT relating to compensation of physicians employed by county, city-county and district health departments.

Ordered that said bill be delivered to the enrolling clerk.

H. B. No. 267. AN ACT relating to compensation of public officers and employees.

With Senate Amendment attached thereto.

Ordered that said bill be delivered to the Chief Clerk of the House.

H. B. No. 277. AN ACT relating to the compensation of certain elective state officers.

With Senate Amendment attached thereto.

Ordered that said bill be delivered to the Chief Clerk of the House.

H. B. No. 344. AN ACT relating to local public health.

Ordered that said bill be delivered to the enrolling clerk.

H. B. No. 297. AN ACT relating to public improvements, etc.

Ordered that said bill be delivered to the enrolling clerk.

H. B. No. 458. AN ACT relating to the compensation of Judges and Commissioners of the Court of Appeals.

Ordered that said bill be delivered to the enrolling clerk.

H. B. No. 221. AN ACT relating to local public health.

Ordered that said bill be delivered to the enrolling clerk.

ENROLLMENT COMMITTEE REPORT

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been previously referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

S. B. No. 147. AN ACT relating to abandoned refrigerators, iceboxes, and ice chests.

S. B. No. 162. AN ACT relating to statute revision and related legislative services.

S. B. No. 163. AN ACT relating to administrative regulations.

S. B. No. 198. AN ACT relating to zoning and planning in cities of the first class and counties containing such cities.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of the Senate return said bills to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 138. AN ACT relating to the Kentucky Historical Society.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Kentucky Historical Society shall constitute an independent agency of the state government within the meaning of KRS Chapter 12. All powers conferred by law upon the Kentucky Historical Society shall be exercised subject to the provisions of KRS Chapters 42, 45, 56, and 64.

Section 2. KRS 171.320 is repealed.

Section 3. This Act shall take effect on July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	John Young Brown
John Rhea Banton	Leo A. Bleemel	Charles W. Buchanan
Clarence J. Barnum	J. Murray Blue	Harry M. Caudill
Wallace Bartley	J. C. Bradley	Cassius M. Clay
Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.	Paul Cobb
	Edward O. Bridgers	William J. Conley

R. Josh Cosby
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
LeRoy Saylor
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 139. AN ACT relating to the Library Extension Division.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 171.130 is amended to read as follows:

The agency of the state government heretofore known as

the Library Extension Division of the Department of Library and Archives shall hereafter constitute an independent agency of the state government, within the meaning of KRS Chapter 12, under the name of Library Extension Division. The division shall be headed by a director who shall be appointed by and serve at the pleasure of the Governor, and who shall receive a salary to be fixed by the Governor, subject to the provisions of KRS 64.640. The director shall have had technical training in the field of library science and shall have had at least two years of library experience in an administrative capacity.

Section 2. KRS 171.202 is amended to read as follows:

The Director of the Library Extension Division, the Commissioner of Finance and the Attorney General shall constitute a Public Library Service Commission for the purpose of administering the provisions of KRS 171.201 to 171.205. The commission shall elect a chairman and a secretary from among its members. It shall promulgate rules and regulations for the administration of KRS 171.201 to 171.205 and for the allocation of funds appropriated for the purposes of KRS 171.201 to 171.205. In allocating funds to counties, the commission shall give primary consideration to the need for additional library service in each county.

Section 3. Subsection (1) of KRS 171.240 is amended to read as follows:

(1) In the Library Extension Division there shall be a State Board for the Certification of Librarians, composed of the director of the Library Extension Division, and five members appointed by the Governor from a list submitted by the Board of Directors of the Kentucky Library Association. Two members shall be full-time professional librarians in active public library work, two shall be full-time professional librarians in institutions of higher learning and one shall be a library trustee.

Section 4. This Act shall take effect on July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
LeRoy Saylor
Mrs. Thelma L. Stovall

E. H. Stumbo	Hicks Wells	Charles W. Wirsch
C. Waitman Taylor	William B. Wells	Walker H. Wiseman
James Treadway	Mrs. Randolph Wilson	Dr. Clyde D. Wooton
Will Tom Wathen		Paul E. Young
W. W. Webster	T. D. Winstead	–72

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 140. AN ACT relating to the state library service and the distribution of public books; etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is created a State Law Library, which shall be under the supervision, management and control of a board of trustees composed of the judges of the Court of Appeals and the Attorney General. The board of trustees shall employ a law librarian and such assistants as may be necessary, and fix their compensation, subject to the provisions of KRS 64.640. The librarian shall be a graduate of an accredited law school, and preferably, shall have had professional training or experience in library work.

Section 2. The State Law Library shall consist of:

(1) All books contained in the former Legislative and Law Library on the effective date of this Act except such as the board of trustees determines are not useful for law library purposes, subject to the provisions of Section 3 of this Act.

(2) Six sets each of all future publications of the Journals and Acts of the General Assembly, and two sets of the official Kentucky statute publications, which shall be furnished to the

library without charge by the state officer or agency in charge of distribution of such publications.

(3) Such other books as may be purchased by or given to the library.

Section 3. (1) All copies of Volumes 1 to 77 of the Kentucky Reports and 25 copies each of Volumes 78 to 314 of the Kentucky Reports, in the former Legislative and Law Library on the effective date of this Act, shall always be retained and preserved in the State Law Library. Other copies of the Kentucky Reports shall be held for sale or for distribution to suitable public libraries.

(2) All sets of the Journals and Acts of the General Assembly in the former Legislative and Law Library, in excess of six for each session, shall be delivered to and shall thereafter be at the disposition of the Legislative Research Commission.

(3) Any other books in the former Legislative and Law Library on the effective date of this Act, found by the Board of Trustees under Section 2 of this Act not to be useful for law library purposes, shall be placed in the custody of either the Legislative Research Commission, or the Kentucky Historical Society, or the University of Kentucky, as shall be determined by a committee consisting of the Director of the Legislative Research Commission, the Secretary of the Kentucky Historical Society, and a person designated by the Governor.

Section 4. The State Law Library shall occupy the quarters on the second floor of the State Capitol formerly occupied by the Legislative and Law Library, and the State Property and Buildings Commission shall allocate sufficient other space in the State Capitol to provide stack room for 30,000 books.

Section 5. The law librarian shall keep the State Law Library open at such hours, maintain the property of the library in such manner and order, and make and keep such catalogues, inventories, records and reports, as the board of trustees may direct. He shall be responsible for all books lost from the library during his period of service, and may be required by the board of trustees to give bond to secure such responsibility.

Section 6. Such books in the State Law Library as from

time to time may become no longer useful for law library purposes may be sold, exchanged or otherwise disposed of by the board of trustees.

Section 7. KRS 171.070 is amended to read as follows:

(1) Any person may use the books of the State Law Library but the law librarian shall not permit anyone to take the books out of the library, with the following exceptions:

(a) Members of the legislature.

(b) Judges and commissioners of the Court of Appeals, the Attorney-General, the Governor, and other state officials.

(c) Attorneys may take the books to the rooms of the Court of Appeals for use in the argument of cases there pending.

(d) Books may be placed on temporary loan to other libraries.

(2) The law librarian shall keep a record in which he shall charge each book to the person taking it from the library and he shall see that all books are returned at the proper time.

Section 8. KRS 171.080 is amended to read as follows:

(1) Any person who fails to return a book or other property taken from the State Law Library by him, or who damages property of the library, shall be liable for double the value of the thing taken or damage to the property.

(2) The law librarian shall, in the name of the Commonwealth of Kentucky, sue any such person in any court of Franklin County having jurisdiction of the amount involved.

Section 9. KRS 171.100 is amended to read as follows:

The law librarian shall arrange with the proper official of each state of the United States and of the United States and its territories for the exchange of the Acts of the legislatures of each state and of Congress. When an exchange is agreed upon, the law librarian shall send to such officer one copy of the Acts of the General Assembly as soon as it is ready for distribution. The state officer or agency in charge of distribution of the Acts of the General Assembly shall furnish to the law librarian, without

charge, such copies of the Acts as are needed for exchange under this section.

Section 10. KRS 171.110 is amended to read as follows:

The law librarian with the advice and under the direction of the board of trustees, may expend in the purchase of law books for the library and for the Court of Appeals and for the maintenance of the State Law Library such sums as are appropriated for that purpose. Vouchers for such expenditures shall be signed by such person as the board of trustees may designate.

Section 11. KRS 171.010, 171.020, 171.030, 171.040, 171.050, 171.060, and 171.120 are repealed.

Section 12. KRS 57.160 is amended to read as follows:

The Legislative Research Commission shall furnish a correct copy of the Acts and Resolutions of the General Assembly to the printer, and the clerk of each house of the General Assembly shall promptly furnish to the printer copies of the journals, bills, reports and other papers, documents and resolutions.

Section 13. KRS 57.180 is amended to read as follows:

All contractors under this chapter shall promptly execute all orders issued to them by the Department of Finance. The Acts and the journals of the General Assembly shall be printed and bound and delivered respectively within sixty days and one hundred eighty days after the end of the session to the Legislative Research Commission for distribution, under the penalty of forfeiture of the bond of the contractor. The Department of Finance may on good cause shown by the contractor, extend the time for not more than thirty days for executing any work.

Section 14. KRS 57.290 is amended to read as follows:

The Acts of the General Assembly and the journals of each house shall, upon being printed, be delivered to the Legislative Research Commission, and distributed by it. The commission shall prepare for each county a package containing the Acts and journals, with a list of the persons entitled to receive them, and send one package in the most inexpensive manner to the circuit clerk of each county, who shall distribute the books to those entitled to them.

Section 15. KRS 57.300 is amended to read as follows:

The following officers and libraries are entitled free of charge to copies of the Acts of the General Assembly, as they are published: Members of the General Assembly that passed the Acts, the Governor, the State Treasurer, Secretary of State, Auditor of Public Accounts, judges and commissioners of the Court of Appeals, circuit judges, Commonwealth's attorneys, county attorneys, and county judges, one copy each; the Attorney-General, four copies; the Legislative Research Commission, for the use of the Senate, ten copies, and for the use of the House of Representatives, thirty copies; the State Law Library, six copies; the judge of each Federal court for Kentucky, one copy; the United States Court of Appeals at Cincinnati, one copy; the Supreme Court of the United States, three copies; the Secretary of State for the United States, two copies; the law library of each county, two copies; the Law Library of the University of Kentucky, three copies; the Law Library of the University of Louisville, two copies; the Library of Congress, seven copies; the Kentucky Historical Society, two copies; and each of the state colleges in Kentucky, two copies.

Section 16. KRS 57.310 is amended to read as follows:

The following officers and libraries are entitled free of charge to copies of the journals of each house of the General Assembly, as they are published: Each member of the General Assembly, one copy for the session in which he served; the law library of each county, one copy; the Governor and Secretary of State, one copy each; the State Law Library, six copies; the Legislative Research Commission, five copies for the use of the Senate and ten copies for the use of the House of Representatives; the Law Library of the University of Kentucky, the Law Library of the University of Louisville, the Library of Congress, the Kentucky Historical Society, and each of the State colleges in Kentucky, two copies each.

Section 17. KRS 57.320 is amended to read as follows:

The State Law Librarian, under direction of the Court of Appeals, shall purchase bound volumes and advance sheets of the opinions of the Court of Appeals and furnish them for the

use of the Court of Appeals, each county law library, and each judge of a circuit court of continuous session.

Section 18. KRS 57.330 is amended to read as follows:

Each member of the General Assembly, each judge and each clerk of a state court, the Attorney-General, each Commonwealth's attorney, each county attorney, the Legislative Research Commission, the Kentucky Historical Society and the State Law Library are each entitled, upon requesting it, to one copy of the Acts of Congress sent to the state for distribution.

Section 19. KRS 57.340 is amended to read as follows:

On a certificate from any circuit judge that he does not have a copy of the latest official edition or revision of the statutes of Kentucky, or does not have the official rules of civil procedure, or that his copy of the statutes or rules has been lost, mutilated or torn, the State Law Librarian shall furnish to the circuit clerk for the use of the circuit judge the book needed or a new copy of the book reported to be lost, mutilated or torn, and shall furnish from time to time any supplement issued to the statutes or rules. The librarian shall certify the cost of any such book to the Department of Finance, which shall issue its warrant on the State Treasurer for the amount, payable out of funds appropriated for that purpose.

Section 20. KRS 57.350 is amended to read as follows:

If any county courthouse containing the law library is destroyed by fire, the Legislative Research Commission shall, upon receipt of the affidavit of the county judge showing the loss, furnish to the county Acts of the General Assembly and journals of the House of Representatives and Senate, and the State Law Librarian shall furnish bound volumes of the opinions of the Court of Appeals, if available.

Section 21. KRS 57.380 is amended to read as follows:

The clerk of each court shall, on or before July 1 in each even-numbered year, make out and present to the presiding judge of his court a list of all the law books that he has received on the public account, and another list of those remaining in his office. The lists shall be certified by the clerk and examined by

the judge, and then recorded in the office of the court, and a copy sent by the clerk to the State Law Librarian, to be filed in his office. The clerk is liable on his official bond for the safekeeping of such books.

Section 22. KRS 172.110 is amended to read as follows:

(1) The circuit clerk shall be ex officio librarian of the county law library, and he shall see that county and state officials have access to the library at reasonable hours each day except Sunday and holidays. He shall receive a salary of twenty dollars per month for his services as librarian.

(2) He shall keep the library rooms in order, preserve, arrange and index all the books, charts, maps and furniture belonging in the library, and see that no books or other things are taken from the library rooms without a receipt being given therefor.

(3) He shall receipt for all books, maps and furniture placed in the library. The receipts shall be given to the State Law Librarian and preserved in his office at Frankfort.

(4) He shall take an inventory each December of all the books, maps, charts or other property in the library belonging to the state and report the inventory under oath to the State Law Librarian before January 1 of the following year.

Section 23. KRS 171.350 is amended to read as follows:

(1) It shall be a public duty to collect, preserve, and make accessible to historians, teachers, students and others interested in public records, all those printed and mimeographed materials, as well as those materials reproduced in multiple copies by other processes, which are issued by any department, board, commission, officer or other agency of the Commonwealth for general public distribution at public expense after June 30, 1950, including, without limitation of the generality of the foregoing, bulletins, publications and other public books and documents reproduced and distributed at public expense, but not including the Kentucky Revised Statute editions.

(2) Inasmuch as the performance of said duty requires the establishment of a depository or depositories for the proper acquisition, administration and distribution of such materials, the

Library of the University of Kentucky is hereby constituted the central depository for public books and documents. College, university, and public libraries, located within Kentucky shall be constituted depository libraries by said central depository upon written request to the Library of the University of Kentucky.

Section 24. KRS 171.360 is amended to read as follows:

It shall be the duty of all departments, boards, commissions, officers and other agencies of the Commonwealth to supply promptly to said central depository seventy-five copies of each of their reports, bulletins, publications, and other public books and documents of the type mentioned in KRS 171.350. Two copies of each document shall be supplied by the central depository to Eastern Kentucky State College, Western Kentucky State College, Morehead State College, Murray State College, and Kentucky State College upon written request by the librarians of each institution. Thirty copies shall be available to the University of Kentucky Library for exchange with out-of-state libraries and state agencies in order to maintain and increase its comprehensive collection of state documents. Such duty shall be exclusive of and in addition to any duties imposed by other provisions of law as to furnishing or delivering any such materials. It shall be the duty of the central depository promptly to supply each depository library one copy of all such material received and to replace any loss or miscarriage in the transportation of such material to the extent extra copies shall be available for such purpose. Such duty shall be exclusive of and in addition to the duty of any other agency to distribute certain books or documents under other provisions of laws; provided, that the central depository need not make distribution, to a particular depository library, of such material as the latter shall be entitled to receive under other provisions of law.

Section 25. KRS 171.370 is amended to read as follows:

For the guidance of librarians of the depository libraries which shall be designated pursuant to KRS 171.350 and 171.360, it shall be the duty of the Library of the University of Kentucky to issue semi-annually, to each depository library located within Kentucky, two copies of a list of all materials of the kind men-

tioned in KRS 171.360. It shall be the duty of each department, board, commission, officer and other agency of the Commonwealth to furnish to the Library of the University of Kentucky semi-annually on January 1 and June 30 of each year a list of all of its materials of the kind mentioned in KRS 171.350.

Section 26. All sums appropriated to the Department of Library and Archives for the fiscal years 1954-55 and 1955-56, except those designated for the distribution and repair of books, the Kentucky Historical Society and the Division of Library Extension, are transferred to the State Law Library, for expenditure under the direction of the board of trustees of that library. The sums appropriated for the distribution and repair of books are transferred to the Legislative Research Commission for use in the distribution of the Acts and legislative journals.

Section 27. This Act shall take effect on July 1, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Wallace Bartley	Owen Billington
John Rhea Banton	Charles E. Baumgardner, Sr.	Leo A. Bleemel
Clarence J. Barnum		J. Murray Blue
		J. C. Bradley

Edward T. Breathitt, Jr.	William M. Horn	Paul T. Ratcliffe
Edward O. Bridgers	Jennings H. Kearby	Jack Raybourne, Jr.
John Young Brown	Talmage Lacy	Hobart Rayburn
Charles W. Buchanan	Harry King Lowman	Robert Reid
Harry M. Caudill	Shelby McCallum	Russell Reynolds
Cassius M. Clay	Ralph E. McClanahan	Lloyd E. Rogers
Paul Cobb	Caleb McFadden	William A. Routh
William J. Conley	Damon Majors	LeRoy Saylor
R. Josh Cosby	William C. Mann	Mrs. Thelma L. Stovall
W. Marvin Davis	George R. Martin	E. H. Stumbo
James A. Dressman, Jr.	Carl D. Melton	C. Waitman Taylor
Harold Edmonds	Robert K. Montgomery	Will Tom Wathen
Herbert Fern	Walter R. Moorman	W. W. Webster
Thomas P. Fitzpatrick	Eddie J. Morris	Hicks Wells
W. L. Hadden	Thomas J. Murphy	William B. Wells
C. Ruby Harralson	Goebel W. Newsom, Jr.	Mrs. Randolph Wilson
Harold G. Helm	Foster Ockerman	T. D. Winstead
Henry R. Heyburn	Louis T. Peniston	Charles W. Wirsch
Chester J. Holsclaw	Edward D. Pollitte	Walker H. Wiseman
	Roger E. Qualls	Dr. Clyde D. Wooton
		Paul E. Young

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Those who voted in the negative were—

Albert Dempsey	William J. Marcum	James Treadway
Lon C. Hill		

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

S. R. No. 14. A JOINT RESOLUTION authorizing and directing payment of a claim of the Rowland Paper Company.

S. R. No. 21. RESOLUTION AUTHORIZING the payment to V. T. C. Lines, Inc., of three hundred and forty ($340.00) dollars, being the amount due said company for having transported members of the Kentucky National Guard during an emergency.

S. R. No. 37. A JOINT RESOLUTION authorizing and directing payment of a claim of the Kentucky Stone Company.

S. R. No. 50. A JOINT RESOLUTION authorizing C. M. Conley and Margaret Conley to sue the Commonwealth of Kentucky and the Department of Highways, or either.

S. R. No. 51. A JOINT RESOLUTION directing the Legislative Research Commission to study the desirability of merging all independent school districts with their respective county school districts.

S. B. No. 19. AN ACT relating to the administration of estates.

S. B. No. 82. AN ACT relating to insurance applications, amending Section 304.656 of the Kentucky Revised Statutes.

S. B. No. 151. AN ACT relating to planning and zoning commissions in cities of the second class, and amending Section 100.330 of the Kentucky Revised Statutes.

S. B. No. 234. AN ACT relating to filing of public works and franchise ordinances, and amending Section 89.230 of the Kentucky Revised Statutes.

H. B. No. 164. AN ACT relating to compensation of county officers and employes, office expenses of county officers, and amending subsection (1) of Section 64.530 of the Kentucky Revised Statutes.

S. B. No. 199. AN ACT relating to metropolitan sewer districts and the extension or change of boundaries of such districts.

S. B. No. 235. AN ACT relating to metropolitan sewer

districts and the construction of facilities for surface drainage at cost of benefitted property in such district.

H. B. No. 358. AN ACT concerning farmers.

H. B. No. 441. AN ACT relating to gambling devices.

S. Res. No. 26. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1954 Edition.

Mr. Lowman moved that the Constitutional provision as to the second reading at length be dispensed with, and said bills and resolutions be read for the second time by their titles only.

Said motion was agreed to.

Whereupon, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Dy a bill of the following title, viz:

Senate Bill No. 242. AN ACT relating to probation and parole.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 439.150 of the Kentucky Revised Statutes is amended to read as follows:

Prisoners paroled from a state penal institution shall at all times during the continuance of the parole be under the control and supervision of and subject to the orders, rules and directions of and in the legal custody of the Department.

The Department shall have the authority to give the paroled prisoners a final release from parole and shall issue to the parolee who has satisfactorily completed his period of parole, a certificate of discharge. After final discharge has been issued by the Department the parolee may not be held again for violation of that parole.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
W. Marvin Davis
Albert Dempsey
O. O. Duncan
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn

Robert Reid	James Treadway	T. D. Winstead
Russell Reynolds	Eulick Walsh	Charles W. Wirsch
Lloyd E. Rogers	Will Tom Wathen	Walker H. Wiseman
William A. Routh	W. W. Webster	Dr. Clyde D. Wooton
Mrs. Thelma L. Stovall	Mrs. Randolph Wilson	Paul E. Young
C. Waitman Taylor		–67

Those who voted in the negative were—

Harry M. Caudill	LeRoy Saylor	–2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 243. AN ACT relating to probation and parole.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 439.030 of the Kentucky Revised Statutes is amended to read as follows:

When directed by the court, a probation officer shall fully investigate and report to the court in writing the circumstances of the offenses, criminal record, social history and present condition of the defendant. No defendant charged with a felony shall be placed on probation or released under the post-ponement of rendition of judgment until the report of the investigation has been presented to and considered by the court. Whenever praticable the investigation shall include physical and mental examinations of the defendant. The court shall direct that defendants placed on probation shall be under the supervision of the Division of Probation and Parole.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	R. Josh Cosby	Talmage Lacy
Walter J. Bailey	W. Marvin Davis	George H. Lovelace
John Rhea Banton	Albert Dempsey	Harry King Lowman
Clarence J. Barnum	James A. Dressman, Jr.	Shelby McCallum
Charles E. Baumgardner, Sr.	O. O. Duncan	Ralph E. McClanahan
Owen Billington	Harold Edmonds	Damon Majors
Leo A. Bleemel	Herbert Fern	William C. Mann
J. Murray Blue	Thomas P. Fitzpatrick	William J. Marcum
J. C. Bradley	W. L. Hadden	George R. Martin
Edward T. Breathitt, Jr.	C. Ruby Harralson	Carl D. Melton
Edward O. Bridgers	George F. Harris	Robert K. Montgomery
John Young Brown	Harold G. Helm	Eddie J. Morris
Harry M. Caudill	Henry R. Heyburn	Thomas J. Murphy
Cassius M. Clay	Lon C. Hill	Goebel W. Newsom, Jr.
Paul Cobb	Chester J. Holsclaw	Foster Ockerman
William J. Conley	William M. Horn	Louis T. Peniston
	Jennings H. Kearby	

Edward D. Pollitte	William A. Routh	Mrs. Randolph Wilson
Roger E. Qualls	Mrs. Thelma L. Stovall	T. D. Winstead
Paul T. Ratcliffe	C. Waitman Taylor	Charles W. Wirsch
Jack Raybourne, Jr.	James Treadway	Walker H. Wiseman
Hobart Rayburn	Eulick Walsh	Dr. Clyde D. Wooton
Robert Reid	Will Tom Wathen	Paul E. Young
Russell Reynolds	W. W. Webster	
Lloyd E. Rogers		

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There voted in the negative—

LeRoy Saylor —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 166. AN ACT empowering and authorizing cities of the second class to pass legislation providing for pensions for police court judges.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. City legislative bodies of cities of the second class may, by proper legislation, provide for pensions for police court judges, who after the effective date of this Act, have become sixty years of age and have served as a regular police judge, including service prior to the effective date of this Act, for a period of twenty years.

Section 2. Cities that pass legislation providing pensions for police court judges shall establish a separate fund to be known as the Police Judge Pension Fund. The regular police court judge shall contribute into this fund an amount equal to not more than five percent of his annual salary as police judge, such

contributions to be deducted by the city treasurer from the monthly pay of such police judge and credited to the Police Judge Pension Fund. The Police Judge Pension Fund shall be under the exclusive control and management of the city legislative body, and in the event the fund is not sufficient to pay the pension as it becomes due, they shall, from police court fines, place into the said fund, a sum sufficient to meet its requirements.

Section 3. Police judges who are eligible for pension and retire from office, shall be paid out of the Police Judge Pension Fund, a pension not to exceed the sum of twenty-four hundred dollars each year, for life. If the pension legislation has been adopted by the city legislative bodies at the time of said retirement, is shall not be altered or changed during the time of the pension period of the retiring judge.

Section 4. Any judge who has served less than twenty years as a regular police judge and who attempts to continue in office by being a candidate for re-election and is defeated shall be refunded all contributions made to the fund by him upon the making of application therefor within one year from the date of said election.

Section 5. This Act shall become effective on July 1st, 1954.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Cassius M. Clay
William J. Conley
R. Josh Cosby
W. Marvin Davis
John L. Day
Albert Dempsey
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Robert K. Montgomery
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—70

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 244. AN ACT relating to circuit court stenographic reporters.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 28.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each circuit judge may appoint an official stenographic reporter for his court or division, except that if his judicial district embraces more than one county, none of which contains a city of the second class, he shall appoint one official stenographic reporter for the district. The reporter shall be skilled in the profession, and shall hold office at the pleasure of the judge.

Section 2. That Section 28.490 be and the same is hereby repealed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
John Young Brown
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Robert K. Montgomery
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Mrs. Randolph Wilson
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the House recess until 1:30 P. M.

Said motion was agreed to by voice vote.

The hour of 1:30 P. M. having arrived, the Speaker resumed the chair.

The House took up from the hands of the Clerk a bill of the following title, viz:

H. B. No. 260. AN ACT relating to the finance and revenue of joint city-county boards of health of cities of the first class and counties containing such cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 212.470 of the Kentucky Revised Statutes is amended to read as follows:

In order to provide sufficient funds for carrying out the purposes of KRS 212.350 to 212.620, the fiscal court of the county shall annually appropriate money from the general fund of the county and the legislative body of the city shall annually appropriate money from the general fund of the city. The appropriations shall be made by the county and the city in such amounts, in such proportion and upon such terms as the fiscal court and the legislative body may agree and provide. Monies so appropriated may be paid over to the board in regular monthly installments. In the event the sums derived from said appropriations, together with funds otherwise available from any other source to the board during any fiscal year, for its necessary expenditures in the maintenance and operation of said board, exceed its need for such expenditures during such fiscal year, any such unexpended funds at the end of such fiscal year shall be carried forward by the board to be used in paying for its operating costs and expenses for the ensuing year. The board of education in the city and the board of education in the county may make payments to the board for school health services provided by the board for children of school age, resident in the city and the county respectively, which shall not be in excess of the cost thereof.

Section 2. Section 212.450 of the Kentucky Revised Statutes is amended to read as follows:

The board shall not incur nor permit the incurrence of any indebtedness, in any manner or for any purpose, in an amount exceeding, in any fiscal year of the board, the income and rev-

enue provided for such year through the appropriations provided for in KRS 212.470 for the purposes of KRS 212.350 to 212.620, and funds derived from other sources, without the assent of two-thirds of the voters in such county, including the voters in the municipalities located in such county, voting at an election called and held for that purpose in accordance with the provisions of KRS 66.120 and 66.130; and any indebtedness contracted in violatio hereof shall be void and neither such city nor such county shall be liable therefor.

Section 3. Section 212.520 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal year of the board shall begin on July 1 of each year and shall end on June 30 of the following year. It shall be the duty of the appointive members of the board, during or before the month of May of each year, to prepare and certify to the fiscal court of the county and to the legislative body of the city, for their joint consideration, a preliminary budget showing the total funds which, in the judgement of the appointive members of the board, will be needed for its various departments, together with a statment showing the estimated balance, if any, which will be available on July 1 for expenditure during the next fiscal year following the certification of said statement, and also indicating, as early as may be possible, what additional funds or assets, other than appropriations, will be or become available for expenditure during said year. The board shall also furnish to said fiscal court and said legislative body any other information or data available to it which said fiscal court or said legislative body may request.

Section 4. Section 212.540 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the respective appropriations have been duly made by the city and county and an estimate of the amount of monies that the board will receive from appropriations and from any and all other sources, for a fiscal year has been made, the board shall prepare and certify to the fiscal court of the county and the legislative body of the city for their approval, a revised fiancial budget setting forth the total amounts of funds available from all sources for expenditures during the board's fiscal year,

and also setting forth, in as great detail as possible with respect to each administrative division, the estimated expenditures of the board for said fiscal year.

(2) A contingent fund for unanticipated expenditures may, with the approval of the fiscal court of the county and the legislative body of the city, be established in order to provide for such contingent and unanticipated needs as may arise during the board's said fiscal year and to supplement allotments to divisions which may require the same. The board, as nearly as may be practicable, shall make all disbursements and expenditures in each fiscal year in conformity with the revised budget allotments; but in the event of an emergency the board may, with the approval of the fiscal court and the legislative body of the city, reduce, withhold or transfer from one division to another, funds or assets so allotted.

Section 5. Section 212.560 of the Kentucky Revised Statutes is amended to read as follows:

The board shall have the power to borrow money on its own credit in anticipation of the revenue to be derived from appropriations provided for herein or of funds to be derived from other sources during the fiscal year in which the same is borrowed; and for such purpose the board may pledge said appropriations and funds, the collection and payment of which is anticipated during such year.

With Senate Amendment attached thereto as follows, viz:

Amendment No. 1—On page 4, section 4, subsection 2, line 23 by striking the words "fiscal court and the legislative body" and inserting in lieu thereof the words "county judge and the mayor"

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 260.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Thomas P. Fitzpatrick	Roger E. Qualls
Walter J. Bailey	Cabell D. Francis	Paul T. Ratcliffe
John Rhea Banton	W. L. Hadden	Jack Raybourne, Jr.
Clarence J. Barnum	George F. Harris	Hobart Rayburn
Wallace Bartley	Henry R. Heyburn	Robert Reid
Charles E. Baumgardner, Sr.	Estill R. Hilton	Russell Reynolds
Owen Billington	Chester J. Holsclaw	Lloyd E. Rogers
Leo A. Bleemel	William M. Horn	Cecil C. Sanders
J. C. Bradley	William L. Jones	LeRoy Saylor
Edward O. Bridgers	Talmage Lacy	W. R. Smith
John Young Brown	George H. Lovelace	Mrs. Thelma L. Stovall
Charles W. Buchanan	Harry King Lowman	C. Waitman Taylor
Harry M. Caudill	Ralph E. McClanahan	Eulick Walsh
Cassius M. Clay	William C. Mann	Will Tom Wathen
William J. Conley	George R. Martin	Hicks Wells
R. Josh Cosby	Robert K. Montgomery	William B. Wells
W. Marvin Davis	Walter R. Moorman	Mrs. Randolph Wilson
C. E. Dowell	Fred Morgan	T. D. Winstead
James A. Dressman, Jr.	Eddie J. Morris	Charles W. Wirsch
Harold Edmonds	Goebel W. Newsom, Jr.	Walker H. Wiseman
Addison L. Everett	Foster Ockerman	Dr. Clyde D. Wooton
Herbert Fern	Louis T. Peniston	Paul E. Young

—66

There voted in the negative—

Albert Dempsey

—1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up from the hands of the Clerk a bill of the following title, viz:

H. B. No. 265. AN ACT relating to the control of Air Pollution.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) of section 77.155 of the Kentucky Revised Statutes is amended to read as follows:

(2) A person shall not by himself, his agent or employe, or as agent or employe of another, discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. The board shall have power, by regulation, to fix reasonable limits, by weight or otherwise, for particular air contaminants or other material which in the opinion of said board may cause or have tendency to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public. Exceeding such limits shall be prima facie evidence of violation of this section.

Section 2. Section 77.215 of the Kentucky Revised Statutes is amended to read as follows:

The air pollution control officer may, at any time, require from any person who operates any plant or uses any article, machine, equipment, or other contrivance specified by the regulations of the air pollution control board or this Chapter, the use or operation of which may cause the issuance of an air con-

taminant, or may require from an applicant for, or holder of any permit provided for by the regulations of the air pollution control board, such information, analysis, plans or specifications as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by such source.

Section 3. Section 77.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every person who violates any provision of KRS 77.155 or 77.165 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars nor less than ten dollars for each offense. Every day or any portion thereof during which any violation of these sections occurs or continues shall constitute a separate offense.

(2) Every person who violates any provision of KRS 77.180 to 77.240 shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars nor less than ten dollars for each offense.

With Senate Amendment attached thereto as follows, viz:

Amendment No. 1—By amending the title by adding thereto the following: "This bill shall be known as the "Bonn-Walsh Bill".

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 265.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
W. Marvin Davis
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William C. Mann
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—66

There voted in the negative—

Albert Dempsey

—1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 118. AN ACT relating to trial commissioners and judge pro tem in police courts in cities of the first class, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 26.220 of the Kentucky Revised Statutes is hereby amended to read as follows:

The elected judge of police court of a city of the first class may appoint two or more trial commissioners and may designate one of them to serve as judge protempore. They shall hear cases in rooms provided by the city legislative body for police court and may sit simultaneously with the elected judge. The judge pro tem shall have the same rights, powers and duties as the elected judge whenever the elected judge fails to attend and hold court or vacates the bench. The trial commissioners and judge protem shall have the same qualifications as the elected judge, shall hold office at the pleasure of the elected judge and not practice any case in police court or in the criminal branch of the circuit court of the county in which such city is located. The compensation of the trial commissioners and judge pro tem for services rendered shall be fixed by ordinance not to exceed the rate of salary of the elected judge and be paid by the city at the same time as the salary of other city officers.

Mr. Holsclaw offered the following amendment and moved its adoption.

Amendment No. 1—On page 2. After line 19 by adding a new paragraph as follows: Whereas, it is deemed necessary to immediately appoint more trial commissioners due to the increase number of cases and the necessity of holding night court, an emergency is declared to exist and this act shall take effect upon its passage and approval by the Governor.

Said motion was agreed to by voice vote.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
W. Marvin Davis
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William C. Mann
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid

Russell Reynolds	C. Waitman Taylor	T. D. Winstead
Lloyd E. Rogers	Eulick Walsh	Charles W. Wirsch
Cecil C. Sanders	Will Tom Wathen	Walker H. Wiseman
LeRoy Saylor	William B. Wells	Dr. Clyde D. Wooton
W. R. Smith	Hick Wells	Paul E. Young
Mrs. Thelma L. Stovall	Mrs. Randolph Wilson	

—66

There voted in the negative—

Albert Dempsey —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 226. AN ACT relating to the number of retail package liquor licenses and retail drink licenses permitted in ciites of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The number of retail package liquor licenses issued by the Alcoholic Beverage Control Board to licensees in counties containing cities of the first class, and including such cities, shall not exceed a number equal to one for every one thousand five hundred persons resident in such city.

Section 2. The number of retail drink licenses issued by the Alcoholic Beverage Control Board to licensees in counties containing cities of the first class, and including such cities shall not exceed a number equal to one for every one thousand five hundred persons resident of such city.

Section 3. In order that a fixed and approved standard of population as prescribed in Sections 1 and 2 of this Act may be

adopted the annual estimates of population as determined by chambers of commerce of first class cities shall be used in every year except a census year, and during a census year the United States Government census figures of population shall be controlling.

Mr. Holsclaw offered the following amendment and moved its adoption.

Amendment No. 1—On page 1, section 1, line 5. By striking out the word "city" and inserting in lieu thereof the word "county".

Said motion agreed to by voice vote.

Said amendment adopted.

Mr. Holsclaw offered the following amendment and moved its adoption.

Amendment No. 2—On page 1, section 2, line 5. By striking out the word "city" and inserting in lieu thereof the word "county."

Said motion was agreed to by voice vote.

Said amendment adopted.

Mr. Holsclaw offered the following amendment and moved its adoption.

Amendment No. 3—On page 2, section 3, line 4. By striking out the words "first class cities" and inserting in lieu thereof the words "cities of the first class"

Said motion agreed to by voice vote.

Said amendment adopted.

Mr. Holsclaw moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
W. Marvin Davis
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William C. Mann
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young

—66

There voted in the negative—

Albert Dempsey —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 130. AN ACT relative to the powers of first class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The legislative body of any city of the first class is hereby authorized and empowered to exercise all the rights, powers, franchises, and privileges not in conflict with any statute now or hereafter enacted which such legislative body shall deem requisite for the welfare of the inhabitants of such city, and for the effectual administration of all local government now or hereafter within its territorial limits, to the same extent and with the same force and effect as if the General Assembly had by this Act granted and delegated to the legislative body of such city all the authority that it is within the power of the General Assembly to grant.

Section 2. This act is intended to enable the legislative body of any city of the first class to enact, amend, and repeal local ordinances or resolutions for the purpose of exercising fully and completely the powers granted by the terms and within the spirit hereof. Nothing in this Act shall be construed to abolish or curtail any existing statute, or any power or rights heretofore conferred upon or delegated to such city, or to any board, body, or officer thereof, nor to restrict the powers of the General Assembly to pass laws regulating matters of State concern or provide by general laws for the Government of cities of the first class.

Section 3. The powers herein granted shall be in addition to all other powers granted to cities by other provisions of law. A permissive procedure authorized by this Act shall not be deemed to be exclusive or to prohibit the use of any other procedure authorized by any Act of the General Assembly or local law but shall be deemed an alternative thereto.

Mr. Holsclaw offered the following amendment and moved its adoption.

Amendment No. 1—On page 2, by adding a new Section after Section 3 to read as follows:

Section 4. Nothing in this Act shall restrict the powers granted to cities of the first class by K.R.S. 83.010.

Said motion was agreed to by voice vote.

Said amendment adopted.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Rhea Banton	Charles E. Baumgardner, Sr.
Walter J. Bailey	Clarence J. Barnum	Owen Billington
	Wallace Bartley	

Leo A. Bleemel	Estill R. Hilton	Hobart Rayburn
J. C. Bradley	Chester J. Holsclaw	Robert Reid
Edward O. Bridgers	William M. Horn	Russell Reynolds
John Young Brown	William L. Jones	Lloyd E. Rogers
Charles W. Buchanan	Talmage Lacy	Cecil C. Sanders
Harry M. Caudill	George H. Lovelace	LeRoy Saylor
Cassius M. Clay	Harry King Lowman	W. R. Smith
William J. Conley	Ralph E. McClanahan	Mrs. Thelma L. Stovall
R. Josh Cosby	William C. Mann	C. Waitman Taylor
W. Marvin Davis	George R. Martin	Eulick Walsh
C. E. Dowell	Robert K. Montgomery	Will Tom Wathen
James A. Dressman, Jr.	Walter R. Moorman	Hicks Wells
Harold Edmonds	Fred Morgan	William B. Wells
Addison L. Everett	Eddie J. Morris	Mrs. Randolph Wilson
Herbert Fern	Goebel W. Newsom, Jr.	T. D. Winstead
Thomas P. Fitzpatrick	Foster Ockerman	Charles W. Wirsch
Cabell D. Francis	Louis T. Peniston	Walker H. Wiseman
W. L. Hadden	Roger E. Qualls	Dr. Clyde D. Wooton
George F. Harris	Paul T. Ratcliffe	Paul E. Young
Henry R. Heyburn	Jack Raybourne, Jr.	—66

Those who voted in the negative were—

John L. Day	Albert Dempsey	—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 109. AN ACT relating to the salaries of members of the Board of Aldermen of cities of the first class.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (5) of section 83.040 of the Kentucky Revised Statutes is amended to read as follows:

(5) Each alderman shall be paid a salary of two hundred dollars per month, but shall not receive any additional compensation for attending special or called meetings.

Section 2. This Act shall take effect on December 1, 1955.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	Cassius M. Clay
Walter J. Bailey	Leo A. Bleemel	William J. Conley
John Rhea Banton	J. C. Bradley	R. Josh Cosby
Clarence J. Barnum	Edward O. Bridgers	W. Marvin Davis
Wallace Bartley	John Young Brown	C. E. Dowell
Charles E. Baumgardner, Sr.	Charles W. Buchanan	James A. Dressman, Jr.
	Harry M. Caudill	Harold Edmonds

Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William C. Mann
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—66

There voted in the negative—

Albert Dempsey —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 111. AN ACT relating to abandoned cemeteries within cities of the first class.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever in the opinion of the legislative body of a city of the first class a cemetery located within the boundaries of such city has been abandoned and the land com-

prising the said cemetery is needed for a public purpose, an ordinance may be enacted declaring such cemetery, as described by metes and bounds, to be abandoned and authorizing the city attorney to institute suit for the city in the circuit court of the county in which the city is located against the propery comprising the cemetery to declare the said cemetery abandoned and to vest title thereto in the said city.

Section 2. Upon the filing of the complaint the city shall give notice thereof by publishing for five consecutive days in the newspaper having the largest circulation in the county in which the city is located a notice describing the property and the purpose of the said suit.

Section 3. Within thirty days after the last advertisement, any party having a claim to the cemetery or any lot therein or to the mortal remains of a person interred therein, may file his claim in the said proceedings for damages as compensation for the value of his interest in the cemetery or lot to which he has claim. Upon the filing of the aforesaid claim the circuit court shall appoint as commissioners three impartial housekeepers who are owners of land. They shall be sworn to faithfully and impartially discharge their duties. The commissioners shall view the land involved and they may hear evidence or make any inquiry they desire touching the value thereof and award to the claimants who are owners thereof the value of the property taken. They shall return a written report to the office of the clerk of the circuit court describing separately the property which is the subject of each claim. Either the claimant or the city may file exceptions to this report and demand a jury trial. The commissioners shall be allowed a reasonable fee which shall be taxed as costs.

Section 4. If no claim is made within thirty days after the last advertisement, or if claims have been made and compensation duly paid either to the claimants or into court, the court shall declare the cemetery to be abandoned and enter judgment accordingly, vesting fee simple title in the city of the first class. Thereafter claimants shall have thirty days in which to remove the mortal remains and monuments from lots to which they have been adjudged to have claim, the reasonable cost thereof to be paid by the city. If, within thirty days after entry

of judgment said remains have not been removed by the claimants thereto, it shall be the duty of such city, through its proper officers, to pay for the removal of the monuments and the disinterment, removal, and the re-interment of such body, or bodies, in such other cemetery in the county in which said city is located as the protesting lot owner may designate, or if no designation be made, to another suitable cemetery in the county.

Section 5. The cost of the proceeding shall be borne by the city, and the burden of proof shall be upon the claimant to establish his interest and to establish that it has not been abandoned.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	John Young Brown
Walter J. Bailey	Owen Billington	Charles W. Buchanan
John Rhea Banton	Leo A. Bleemel	Harry M. Caudill
Clarence J. Barnum	J. C. Bradley	Cassius M. Clay
Wallace Bartley	Edward O. Bridgers	William J. Conley

R. Josh Cosby
W. Marvin Davis
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William C. Mann
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—66

There voted in the negative—

Albert Dempsey —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 121. AN ACT relating to the purposes for which proceeds of bonds issued to meet the needs of city universities and colleges may be used.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 165.100 of the Kentucky Revised Statutes is amended to read as follows:

The money derived from the bonds issued under authority of KRS 165.080 shall be used to meet the needs of the university. The authorized use includes the payment for real estate and buildings purchased or to be purchased, the erection and alteration of improvements, and the securing of proper equipment, but does not include the payment of salaries or operating expenses or the payment of any existing indebtedness incurred as an operating expense.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	Cassius M. Clay
Walter J. Bailey	Leo A. Bleemel	William J. Conley
John Rhea Banton	J. C. Bradley	R. Josh Cosby
Clarence J. Barnum	Edward O. Bridgers	W. Marvin Davis
Wallace Bartley	John Young Brown	C. E. Dowell
Charles E. Baumgardner, Sr.	Charles W. Buchanan	James A. Dressman, Jr.
	Harry M. Caudill	Harold Edmonds

Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William C. Mann
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—66

There voted in the negative—

Albert Dempsey —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 227. AN ACT relating to location of retail package liquor and retail drink licenses in cities of the first class.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The State Alcoholic Beverage Control Board shall, for the purpose of regulating the location of retail package liquor and retail drink licenses in cities of the first class, divide

such cities into "down-town business areas" and "combination business and residential areas."

Section 2. No retail package liquor or retail drink license shall be granted or issued to any licensee who proposes to sell retail package liquor or liquor by the drink at a location within seven hundred feet of the location of any similar establishment in any combination business and residential area, nor shall such license be granted or issued to any licensee who proposes to operate at a location in a combination business and residential area within seven hundred feet of a similar establishment located in a down-town business area. This Act shall not affect location of such establishments in down-town business areas of such cities.

Section 3. The distance between location of similar establishments as prescribed by this Act shall be measured by following the shortest route of ordinary pedestrian travel along public thoroughfares from the nearest point of any present location of any such similar place of business to the nearest point of any proposed location of any such place of business. The measurement shall be taken from the entrance of the existing licensed premises to the entrance of any proposed location.

Section 4. The location of all establishments licensed to sell at retail distilled spirits by the package or by the drink, or both, on the effective date of this Act shall not be affected by the terms of this Act and this Act shall not apply to existing licensed locations or to the renewal of licenses therefor, or to transfers thereof. The distance limitation prescribed by this Act shall not affect any existing licensed location, nor the right of the owner thereof to renew or transfer the license for such location. The location of any such existing license shall not be transferred to a new location in violation of this Act, except that the location of any presently existing license or renewal thereof in case of destruction of property or loss of lease through failure of the landlord to renew such lease may be transferred to a location which is not closer than half the distance between the exsting licensed premises and the nearest similar licensed premises.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
W. Marvin Davis
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William C. Mann
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid

Russell Reynolds	C. Waitman Taylor	T. D. Winstead
Lloyd E. Rogers	Eulick Walsh	Charles W. Wirsch
Cecil C. Sanders	Will Tom Wathen	Walker H. Wiseman
LeRoy Saylor	Hicks Wells	Dr. Clyde D. Wooton
W. R. Smith	William B. Wells	Paul E. Young
Mrs. Thelma L. Stovall	Mrs. Randolph Wilson	

—66

There voted in the negative—

Albert Dempsey —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 98. AN ACT relating to the powers of counties containing a city of the first class with respect to regulation of the erection, construction, reconstruction, relocation, remodeling, alteration, repair and maintenance of buildings within such county.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The fiscal court of any county containing a city of the first class shall have authority, by order or resolution, and after a public hearing advertised once each week for two consecutive weeks in a newspaper of general circulation in such county, to adopt, and modify, or amend from time to time, and to enforce as hereinafter provided, reasonable regulations governing the erection, construction, reconstruction, relocation, remodeling, alteration, repair and maintenance of buildings located, or to be located, within the unincorporated areas of such county, and also within the corporate limits of any city in such county not having such regulations; except

that buildings for agricultural purposes located upon premises that are used solely for agricultural purposes shall be exempt from such regulations.

Section 2. If any city of the first class has in force and effect an ordinance governing the erection, construction, reconstruction, relocation, remodeling, alteration, repair, and maintenance of buildings in such city, the fiscal court of such county may, by order or resolution, and after a public hearing advertised once a week for two consecutive weeks in a newspaper of general circulation, adopt the provisions of such ordinance, or so much thereof as the fiscal court deem necessary, for the area of the county outside the corporate limits of such city.

Section 3. (a) The fiscal court may appoint a qualified and competent person to administer such regulations. His official title shall be "Building Inspector of _____ County, Kentucky." His salary shall be fixed by the fiscal court, and paid out of the county levy. He shall have such deputies and assistants as the fiscal court deems necessary, and their salaries shall likewise be fixed by the fiscal court and paid out of the county levy. The fiscal court shall also pay out of county funds the necessary expenses of his office.

(b) No person shall build, erect, construct, reconstruct, remodel, relocate, alter or repair any building within the county without first obtaining a building permit from the Building Inspector.

(c) The fiscal court shall esablish a system of reasonable fees to be charged every applicant for such permit.

(d) Any person aggrieved by any ruling, order, or decision of such Building Inspector may appeal to the circuit court and to the Court of Appeals.

Section 4. When any fiscal court adopts such regulations, any person violating any of such regulations shall be guilty of a misdemeanor and shall be fined not exceeding one hundred dollars, or imprisoned not exceeding fifty days, or both, for such violation.

Section 5. In case any building or structure is or is proposed to be erected, constructed, reconstructed, relocated, re-

modeled, altered, repaired, maintained or used in violation of any reasonable regulations adopted pursuant to this act, the county attorney of such county, or any property owner or occupant who would be damaged by such violation, may in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate action to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, relocation, remodeling, alteration, repair, maintenance, or use.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	Cassius M. Clay
Walter J. Bailey	Leo A. Bleemel	William J. Conley
John Rhea Banton	J. C. Bradley	R. Josh Cosby
Clarence J. Barnum	Edward O. Bridgers	W. Marvin Davis
Wallace Bartley	John Young Brown	C. E. Dowell
Charles E. Baumgardner, Sr.	Charles W. Buchanan	James A. Dressman, Jr.
	Harry M. Caudill	Harold Edmonds

Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
William C. Mann
William J. Marcum
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
—68

There voted in the negative—

Albert Dempsey —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed resolutions originating in the House as follows, viz:

H. Res. No. 24. RESOLUTION authorizing Lloyd Metcalf to sue the Commonwealth of Kentucky and the Highway Department.

H. Res. No. 27. A RESOLUTION concerning the naming of Kentucky Highway No. 503 in honor of Corporal Ernest E. West.

H. Res. No. 46. A JOINT RESOLUTION authorizing personal representative of Emmett Hutchinson, deceased, Thomas Hutchinson, Sr., deceased, Mrs. Rose Hutchinson, deceased, each of Christian County, to sue the Commonwealth and the Department of Highways.

H. Res. No. 85. A JOINT RESOLUTION authorizing payment of a claim by the hereinafter named County Clerk against the Department of Highways and Commonwealth.

Ordered that said bills be delivered to the enrolling clerk.

H. Res. No. 63. A JOINT RESOLUTION authorizing Pearl Traxel of Jefferson County to sue the Commonwealth of Kentucky and the Department of Health.

With Senate amendment attached thereto.

Ordered that said resolution be delivered to the Chief Clerk of the House.

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 141. AN ACT relating to appointment of deputy coroners, the holding of inquests, etc.

H. B. No. 157. AN ACT changing the classification of the City of Silver Grove in Campbell County.

H. B. No. 204. AN ACT relating to property taxation.

H. B. No. 222. AN ACT relating to public health.

H. B. No. 401. AN ACT relating to tuberculosis and making an appropriation therefor.

H. B. No. 406. AN ACT relating to Mines and Minerals.

H. B. No. 464. AN ACT providing for payment of fees out of State Road Fund and by County Fiscal Courts to County Court Clerk for taking acknowledgments, recording rights of way, etc.

H. B. No. 465. AN ACT relating to Administration Officers of the Court of Appeals.

H. B. No. 466. AN ACT relating to authorization of Com-

missioner of Welfare regarding method of return of parole and probation violators and escaped prisoners.

H. B. No. 496. AN ACT appropriating money out of General Expenditure Fund in State Treasury for purpose of paying certain claims, etc.

H. B. No. 501. AN ACT relating to utilities in cities of the third class.

H. B. No. 507. AN ACT relating to motor transportation and motor vehicles.

H. B. No. 47. AN ACT relating to removal of improvement on unimproved or unproductive lots.

Ordered that said bills be delivered to the enrolling clerk.

The hour of 2:00 P. M. having arrived, the House took up for consideration from the Special Orders of the Day a bill of the following title, viz:

Senate Bill No. 13. AN ACT to amend and re-enact Section 145 of the Constitution of the Commonwealth of Kentucky.

Said bill is as follows, Viz:

That upon the concurrence of three-fifths of all the members elected to each House of the General Assembly, the ayes and nays being taken thereon and entered in full in their respective journals, Section 145 of the Constitution of the Commonwealth of Kentucky be amended, extended and reenacted so that as so amended, extended and reenacted it will read as follows:

"145. QUALIFICATIONS OF VOTER. PERSONS DISFRANCHISED. Every citizen of the United States of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he offers to vote sixty days next preceeding the election, shall be a voter in said precinct and not elsewhere but the following persons are excepted and shall not have the right to vote.

"1. Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the general assembly may declare shall

operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon.

"2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense

"3. Idiots and insane persons."

3. That this amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution and under the Kentucky Statutes.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.
Walter J. Bailey	Owen Billington	Edward O. Bridgers
John Rhea Banton	Leo A. Bleemel	John Young Brown
Clarence J. Barnum	J. Murray Blue	Charles W. Buchanan
Wallace Bartley	J. C. Bradley	

Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 137. AN ACT relating to highways and the financing thereof.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is the declared policy and purpose of the General Assembly, in enacting this Act, to foster, promote, and expedite the construction, maintenance and improvement of a modern and adequate system of roads throughout the Commonwealth, in the interests of the public safety and general welfare; and, in the furtherance of such policy and purpose, to authorize he maximum financial commitments permissible under the provisions of the Constitution.

Section 2. As used in this Act, unless the context otherwise requires:

(1) "Authority" means The Kentucky Highway Authority;

(2) "Department" means the Department of Highways, or such department, agency, officer or officers of the Commonwealth as may succeed to the principal powers, functions and duties thereof;

(3) "Project" means any property, structure, facility, or undertaking which the Authority is authorized to acquire, construct, improve, maintain, equip, furnish, lease or operate under the provisions of this Act;

(4) "Person" means natural persons, firms, associations, corporations, business trusts, partnerships and public bodies;

(5) "Federal Agency" means the United States of America, the President of the United States of America, and any department, corporation, agency or instrumentality heretofore or hereafter created, designated or established by the United States of America;

(6) "Cost", as applied to any project which the Authority is authorized to plan or undertake, means the cost of acquisition of all land, rights-of-way, property, rights, easements, and interests acquired by the Authority, the cost of construction, the cost of all machinery and equipment, whether purchased or leased, financing charges, interest prior to and during construction, and, if considered advisable by the Authority, for as much as one year after the completion of construction, cost of traffic

estimates and of engineering, legal, technical and financial services and advice, plans, specifications, surveys, borings, estimates of costs and revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing or improving any project, administrative expense, and such other expenses as may be necessary or incident to the construction or improvement of any project, the financing thereof, the placing thereof in operation, or the opening thereof to public use;

(7) "Current resources", as applied to the department, means all funds appropriated to or provided for the department by the General Assembly from time to time, and by any Federal Agency, and all tolls, rents, charges, gifts, grants, moneys and all other forms of property, coming into the possession or under the control of the department except (a) the two-sevenths of the Kentucky gasoline tax, so long as said tax remains at the rate of seven cents per gallon, presently earmarked for the construction, reconstruction, and maintenance of rural and secondary roads pursuant to KRS 138.200 and KRS 177.320 to 177.380, (b) tolls, rentals and charges received by the department from the operation of toll bridges, toll highways and toll ferries, and (c) grants or contributions from any Federal Agency, and gifts, grants, contributions, devises or bequests from other sources, to the extent directed, earmarked, or conditioned for special purposes inconsistent with the use by the department of its current resources as authorized by this Act;

(8) "Owner" means all natural persons, firms, partnerships, associations, trusts, corporations and public bodies having any right, title or interest in any property, right, easement or interest authorized or required to be taken under authority of this Act;

(9) "Bonds" means notes, bonds, interim bonds, interim certificates, and other evidences of indebtedness or obligations which the Authority is authorized to issue;

(10) "Construction" means acquisition, construction and reconstruction, and "to construct" means to acquire, to construct and to reconstruct;

(11) "Improvement" means extension, enlargement and improvement, and "to improve" means to extend, to enlarge and improve;

(12) "Equipment", "facilities" and "furnishings" mean any equipment and furnishings whatsoever deemed desirable and required by the Authority or by the department in the planning, construction, improvement or use of any project, and "to equip" and "to furnish" mean the installation of such equipment, facilities and furnishings.

Section 3. The Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, the State Treasurer, the Commissioner of Finance, the Commissioner of Highways and the State Highway Engineer, and their respective successors in office, and eight citizens of Kentucky to be appointed by the Governor, one from each Congressional District not more than four of whom may be affiliated with any one political party, are hereby created a body corporate and politic constituting a public corporation and governmental instrumentality and agency of the Commonwealth by the name of "The Kentucky Highway Authority." All members shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members. Ex-officio members shall be entitled to no compensation for their services as members; but the appointed members shall be entitled to compensation on the basis of twenty-five dollars per diem, in addition to reimbursement for their expenses. Of the members appointed by the Governor, two shall serve for a term which shall expire with the term of the Governor appointing them; two shall serve for terms expiring one year after such expiration; two shall serve for terms expiring two years after such expiration; and two shall serve terms expiring three years after such expiration. In making the initial appointments, the Governor shall designate the expiration of the term of each appointee. Subsequent appointments shall each be for a term of four years, and until a successor is appointed and qualified, except that in the event a vacancy occurring by reason of death or resignation, the appointment shall be only for the unexpired term. Appointments shall be made in such manner that of the eight appointed members, at any time, not more than four shall be affiliated with one political party.

Section 4. (1) Within ninety days after the effective date of this Act, the Governor shall appoint the citizen mem-

bers of the Authority, and the Authority shall then meet and organize. The Governor shall, by virtue of his office, be chairman of the Authority, and the Lieutenant Governor shall in like manner be the vice-chairman.

(2) Eight members of the Authority shall constitute a quorum for the transaction of business, and a lesser number may adjourn from time to time until a quorum is convened. The Authority shall convene at least three times in each calendar year at such times and places within the Commonwealth as may be stated in a notice of the meeting, mailed to each member not less than ten days in advance, or upon written waiver of notice by each member.

(3) The Authority may by resolution entered upon its records, upon the affimative vote of not less than eight members, create an executive committee of five of its members. The executive committee may exercise such powers of the Authority as may be set forth in such resolution. At least two members of the executive committee shall be appointive members of the Authority, who shall be of different political affiliations. The exevutive secretary shall keep full and correct minutes of the meetings and final actions of the Authority, which shall be open to the inspection of the public at all reasonable times. Copies of any records or proceedings of the Authority, authenticated under the seal of the Authority by the executive secretary, shall be received as prima facie evidence of such records or proceedings in any court, commission, board, department or agency of the Commonwealth.

Section 5. The Authority shall elect, by the votes of at least eight members, an executive secretary who shall not be a member of the Authority but who shall be its chief executive officer. The executive secretary shall serve on a full-time basis at the pleasure of the Authority. He shall receive an annual salary not to exceed the salary of the State Highway Engineer, less one hundred dollars.

Section 6. The Authority shall elect a treasurer who may be a member of the Authority and who shall serve at the pleasure of the Authority. The treasurer shall be paid a salary not to exceed six thousand dollars per annum from which shall be

deducted such payments as may be made to him as a member of the Authority if he be a member. The treasurer shall execute bond in such amount and upon such terms as the Authority may prescribe, the premium for which shall be paid by the Authority.

Section 7. (1) The Authority may appoint, or contract for the services of, officers, agents and employees, including engineers, attorneys, accountants, fiscal agents and other professional persons, prescribe their duties and fix their compensation.

(2) Employes of any state department, agency or other instrumentality may, with the consent of the Governor and such department, agency or instrumentality, be transferred to employment by the Authority. Such employes shall retain uninterrupted any civil service rating, sick leave, vacation, pension, retirement, insurance or other rights which would otherwise accrue to them in their employment.

Section 8. Any member, agent or employe of the Authority who, while he is such member, agent or employe, or within six months thereafter, is personally interested, either directly or indirectly, in any contract of another with the Authority, or in the sale of any property, either real or personal, either to or by the Authority, shall, upon conviction, be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, for each offense.

Section 9. The Authority is created for the purposes of acquiring, constructing, reconstructing, improving, equipping, furnishing, maintaining, operating, leasing and financing public highways, bridges, viaducts, tunnels, traffic circles, grade separations, maintenance sheds, offices, garages and roadside rests, or any combination thereof. The Authority may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including right and power:

(1) to sue and be sued;

(2) to contract and be contracted with in its own name in the manner prescribed for contracts made by the department;

(3) to adopt and use a corporate seal;

(4) to make by-laws for the management and regulation of its affairs;

(5) to exercise the power of condemnation.

Section 10. Under agreement with the department, the Authority shall possess the same powers granted the department to acquire, improve, construct, reconstruct, maintain, repair and operate all highways and other structures and appurtenances necessary and convenient thereto, except toll roads and toll bridges; provided, however, that the Authority shall be limited in its projects to highways having a current or estimated potential traffic density of one thousand or more vehicles per day. No project shall be undertaken, and no bonds shall be issued, until the plans and specifications for such project have been approved in writing by the department.

Section 11. (1) The Authority may purchase such lands, structures, property, rights, rights-of-way, franchises, easements and other interests in lands, located within the Commonwealth, as it may deem necessary or convenient for any project, upon such terms and conditions and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner or owners thereof, and to take title thereto in the name of the Authority.

(2) Whenever a reasonable price canont be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey title for any reason, the Authority may condemn any lands, property, rights, rights-of-way, easements, and other property, public, or private, or dedicated to public use, deemed necessary for any project, or necessary in the restoration of public or private property damaged or destroyed. Any such proceedings shall conform to procedures prescribed for condemnation by the department. Title to any property so acquired by the Authority shall be taken in the name of the Authority, in fee simple, free from any right of reversion. In any condemnation proceedings any court having jurisdiction may require an undertaking or other security to secure the owners against any loss or damage by reason of the failure of the Authority to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the

Authority shall impose any liability upon the Commonwealth, except as may be paid pursuant to contract with the department from the current resources of the department.

(3) If the owner, lessee or occupier of any property to be condemned refuses to remove his personal property therefrom or give up possession thereof, the Authority may proceed to obtain possession in any manner now or hereafter provided by law.

(4) With respect to any railroad property or right-of-way upon which railroad tracks are located, any powers of condemnation may be exercised to acquire an easement to cross the same at grade level, or an easement interest therein which may be located either sufficiently far above or sufficiently far below the grade of any railroad track or tracks upon such railroad property so that neither the proposed project nor any part thereof, including any bridges, abutments, columns, supporting structures or appurtenances, nor any traffic upon it, shall interfere in any manner with the use, operation or maintenance of the trains, tracks, works or appurtenances, or other property of the railroad, nor endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for such easement over or under such railroad property or right-of-way, plans and specifications for the proposed project, showing compliance with such above or below grade requirements, and showing sufficient and safe plans and specifications of such overhead or undergrade structures and appurtenances, shall be submitted to the railroad company for examination and approval. If the railroad fails or refuses within thirty days to approve the plans and specifications so submitted, the matter shall be submitted to the Public Service Commission of Kentucky, whose decision shall be final as to the safety of such plans and specifications and as to such elevations or distances above or below the tracks. Such overhead or undergrade structures and appurtenances shall be constructed only in accordance with such plans and specifications, and in accordance with such elevations or distances above or below the tracks so approved by the Public Service Commission, as the case may be. A copy of the plans and specifications approved by the railroad or the Public Service Commission shall be filed as an exhibit with the complaint in any condemnation proceedings.

(5) The Authority and its authorized agents and employes may enter upon any lands, waters and premises in the Commonwealth for the purpose of making surveys, soundings, borings, drillings and examinations deemed necessary or convenient for the purpose of this Act, and such entry shall not be deemed a trespass, nor shall entry for any of such purposes be deemed an entry under any condemnation proceedings which may be then pending. The Authority shall make reimbursement for any actual damage resulting to such lands, waters and premises as a result of such activities.

Section 12. (1) The Authority may construct grade separations at intersections of any projects and change and adjust the lines and grades of highway projects so as to accomodate them to the design of such grade separation. The cost of grade separations, and any damage incurred in changing and adjusting the lines and grades of highways shall be ascertained and paid as a part of the cost of the highway project which made them necessary.

(2) If the Authority finds it necessary to change the location or grade of any public highway, it shall cause the same to be reconstructed at such location as the Authority, with the approval of the department, deems most favorable, and in as good condition as the original highway. The cost of such relocation and reconstruction, and any damage caused thereby, shall be ascertained and paid by the Authority as a part of the cost of the project which made the same necessary.

(3) Any public highway affected by the construction of any project may be vacated or relocated by the Authority, with the approval of the department, in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of the project which made the same necessary.

Section 13. The Authority and the department may enter into agreements to lease, and may lease, sell, transfer or convey, the one to the other, any project, property, or interest therein, for consideration, either nominal or reasonable. No lease executed between the Authority and the department shall extend

for a longer period than forty years from the time the project is completed or made available for public use. Rentals under such lease may be determined by the terms of any applicable agreement to lease, or by mutual agreement between the department and the Authority. In any such agreement to lease, or lease, the department may contract with the Authority to maintain any project at the expense of said department, to be paid from its current resources.

Section 14. Rentals payable by the department to the Authority, pursuant to the terms of any lease, or of any agreement to lease, shall be deemed to constitute compensation to the Authority for the agreed reasonable value of the services and facilities provided under the terms of the applicable instrument, during each successive legislative biennium, and shall be binding and enforceable upon said department in each such biennium only to the extent of the current resources of said department. Such current resources shall be budgeted by the department for each fiscal year so as to provide payment of all rentals falling due therein. If for any reason current resources of the department for any biennium should prove to be insufficient for the payment of all rentals due, or if, for any reason, such rentals are not paid therefrom, any such unpaid rentals shall be carried over and paid from current resources of the department in future bienniums, to the extent such current resources are then available. The department shall make payment of the rentals prescribed in any and all of such leases, to the full extent of its current resources in each biennium. The department may pledge as security for the payment of its rentals for the terms of such leases, such revenues as it may receive which are limited in application to highway purposes by section 230 of the Constitution. Any failure, neglect or refusal of the department to pay any rental from its current resources during any biennium shall not cause or permit the precipitation of rentals due in any future biennium or give rise to a cause of action for such rentals due in any such future biennium. Subject to the conditions and restrictions set forth in the resolution, proceedings, trust indenture or other instruments adopted or executed in connection with the issuance of any bonds issued under authority of this Act, any failure, neglect or refusal of the

department to pay rentals for any then current biennium from its current resources, shall give rise to a cause of action on the part of the holders of such bonds, or any receiver or trustee acting on their behalf, directed to the proper officers of the department requiring them, or any of them, to perform their lawful duties as herein prescribed, and as prescribed by the resolution, proceedings, trust indenture, lease or other instrument pursuant to which the bonds were issued, and to refrain from doing otherwise.

Section 15. The Authority, with the approval of the department, may make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances of any public or private utility in, on, along, over or under any project. Whenever, with the approval of the department, the Authority shall determine that it is necessary that any such facilities which now are, or may hereafter be, located in, on, along, over or under any project should be relocated in such project, or should be removed from such project, the utility owning or operating such facilities shall relocate or remove the same at its own expense, in accordance with the order of the Authority; provided, however, that in the event any utility occupies the highway right-of-way by virtue of a contractual right supported by consideration, the cost of such relocation or removal, including the cost of installing such facilities in new locations, including the cost of any lands, or any interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by Authority as a part of the cost of the project making the same necessary. In case of any such relocation or removal of facilities, the utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former locations; provided, however, that in no event shall a utility have the privilege of establishing its lines or properties within the right-of-way of any project except upon the terms prescribed by the Authority.

Section 16. The Authority may fix, alter, charge and collect reasonable rates, rentals and other charges for the use of the facilities of, or for the services rendered by, the Authority, or projects thereof, for the purpose of providing for the payment of the expenses of the Authority, the acquisition, construction, reconstruction, improvement, maintenance, repair, equipping, furnishing and operation of its facilities, properties and projects, the payment of the principal of and interest on its bonds and other obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such bonds or other obligations; provided, however, that the Authority shall have no power at any time to fix or collect tolls or other similar charges for the vehicular use of any project, facility or service, except rentals from the department.

Section 17., The Authority may borrow money, accept grants from, and enter into any contracts, leases, or other transactions with any Federal Agency.

Section 18. The Authority may borrow money, authorize, make and issue its negotiable notes, bonds, and other evidences of indebtedness or obligations, and may secure the payment of all or any part thereof by pledge or trust indenture of any of its resources, and may make such arrangements with holders or purchasers, or with others, in connection therewith, whether issued or to be issued, as the Authority shall deem advisable. It may pledge, hypothecate or otherwise encumber any of its revenues or receipts as security for any such obligations; provided, however, that the Authority may not, in any manner, at any time, pledge the credit or taxing power of the Commonwealth or of any of its political subdivisions; nor shall any of the obligations of the Authority be deemed obligations or debts of the Commonwealth or of any of its political subdivisions; nor shall the Commonwealth or any of its political subdivisions be liable for the payment of the principal of or interest on such obligations or debts.

Section 19. (1) The Authority may provide, at one time or from time to time, for the issuance of its bonds for the purpose of paying all or any part of the cost of any one or more projects. The bonds of each issue or series shall be authorized

by a resolution of the Authority and shall be dated, shall bear interest at such rate or rates not exceeding six percent per annum, shall mature at a time or times not exceeding forty years from their respective date or dates, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and upon such terms as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places for payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by or bear the facsimile of the signature of the chairman of the Authority, and the seal of the Authority, or a facsimile thereof, shall be affixed thereto, attested by the manual signature of the executive secretary, and any coupons attached thereto shall bear the facsimile signature of the executive secretary. If any officer whose signature or facsimile signature appears on any bonds or coupons ceases to be such officer before the delivery of such bonds, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until such delivery. All such bonds shall possess all the qualities and incidents of negotiability under KRS Chapter 356. The bonds may be issued in coupon or in registered form, or both. Provision may be made for the registration of any coupon bonds as to principal alone, and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest.

(2) The Authority may sell bonds at such prices as, in its judgment, may best effect the purposes of this Act. By reason of the unusual nature of the bonds which may be issued under the provisions of this Act, and the substantial undertakings which may, in the discretion of the Authority and the department, be financed hereunder, it is declared to be the public policy of the Commonwealth that bonds of the Authority need not be sold on the basis of sealed bids, publicly solicited and received. If the Authority shall determine by the affirmative votes of at least ten members that it is desirable to sell any issue of its bonds on the basis of private negotiation, it shall

advertise such fact by publication of a notice setting forth the time and place of the opening of such negotiations at least ten days in advance, at least one time in a newspaper of general circulation throughout the Commonwealth, and at least one time in a financial medium of national circulation. At the conclusion of such negotiations as the Authority may deem adequate and proper, the Authority may enter into a written contract for the sale and purchase of bonds then ready to be issued, such contract to be definite in its terms as to price, interest coupon rate or rates, and provisions for redemption prior to stated maturities; but any such written contract shall be subject, until twelve o'clock noon, Central Standard Time, on the second day after execution by the parties, to approval or disapproval by an advisory committee. Such advisory committee shall consist of five persons who shall be appointed by the Governor prior to the commencement of the negotiations. Appointments shall be made from public spirited citizens of the Commonwealth experienced in financial matters, none of whom shall be members of the Authority, and not more than three of whom shall be affiliated with any one political party. Service shall be without compensation. Said committee may participate in the negotiations at any stage, and may make such investigation and hear such evidence as it may deem necessary or desirable, and shall file with the Governor a written report approving or disapproving the sale agreement, and setting forth the reasons therefor. Four members of such committee shall constitute a quorum, and the concurring signatures of four members shall be required to constitute a binding report. If any member of such committee shall be absent from the Commonwealth, incapacitated, or unwilling to serve, the Governor may appoint another person to fill the vacancy so existing. If the report of said committee approves the negotiated sale contract, such contract shall become final and binding upon the parties as of the filing of the report with the Governor, within said prescribed period. If the report of said committee disapproves the negotiated sale contract or is not filed with the Governor within said prescribed period, the sale contract shall be void and no longer binding upon the parties thereto; provided, however, that the parties may by written agreement extend such time, in which event an approving report of the committee, filed within the time as so extended, shall cause

such negotiated sale contract to become valid and binding as of the time of its filing. Nothing herein contained with reference to negotiated sales of bonds shall be construed to apply to bonds or other similar obligations of any public bodies, municipal corporations, or commissions or agencies of the Commonwealth, or of any of its subdivisions, agencies or instrumentalities. If the Authority does not determine to sell an issue on a negotiated basis, sale shall be on the basis of sealed bids, publicly solicited and received in accordance with reasonable regulations established by the Authority.

(3) Bonds of the Authority may be issued only after approval of the department and pursuant to the terms of a written contract, lease, agreement to lease, or other document executed by the Authority with the department in which identification is made of the project or projects to be financed or refinanced thereby. The proceeds of the bonds shall be used solely for the payment of the cost of the project or projects for which such bonds have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the proceedings authorizing the issuance of the bonds, or in any trust agreement securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, are less than the cost of the project or projects intended to be financed thereby, additional bonds may in like manner be issued to provide the amount of such deficit, and shall be deemed a part of such issue and shall rank on a parity with the bonds of such issue in every respect. If the proceeds of the bonds of any issue exceed the cost of the project or projects intended to be financed thereby, the surplus shall, with the written consent of the department, be either (a) deposited to the credit of any sinking fund established by the Authority, or (b) applied to the cost of any other project or projects theretofore or thereafter included within the terms of any written instrument executed by the Authority and the department.

(4) Prior to the preparation of definitive bonds, the Authority may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds

which become mutilated, destroyed or lost. Bonds may be issued by the Authority without obtaining the approval of any department, agency or court of the Commonwealth, other that the Department of Highways, and without any other proceedings or happenings of any other conditions or events other than the proceedings or conditions which are specifically required by this Act.

(5) Any bonds issued may be secured by a trust agreement or indenture between the Authority and any trust company, or bank having the powers of a trust company, within or without the Commonwealth. The Authority may not, by any such trust agreement, or by the proceedings authorizing any of its bonds, convey or mortgage or place a lien upon any project, but may make such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper, including covenants of the Authority in relation to the acquisition of property and the construction, reconstruction, improvement, maintenance, repair, operation and insurance of the project or projects in connection with which such bonds have been authorized and the custody, safeguarding and application of moneys. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. Any such trust agreement or proceedings may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement, indenture or proceedings may be treated as a part of the cost of operation of the project or projects intended to be financed through the issuance of such bonds.

(6) Any resolution of the Authority authorizing any bonds may contain provisions which shall be a part of the contract with the holders of such bonds as to (a) rentals or receipts of the Authority from all or any projects or properties, (b) the construction, reconstruction, improvement, operation, repair, equipping and maintenance of any project or projects and the duties of the Authority with reference thereto, (c) the terms of the bonds, (d) limitations on the purposes to which the proceeds of the bonds, or of any loan or grant by the United States, may be applied, (e) the charges for facilities or services of the Authority,

including limitations upon the power of the Authority to modify any lease or other agreements pursuant to which any charges are payable, (f) the setting aside of reserves or sinking funds and the regulation, safeguarding and disposition thereof, (g) limitations on the issuance of additional bonds, (h) the terms of any trust agreement or indenture securing the bonds or under which the same may be issued, and (i) any other or additional agreements with the holders of the bonds.

Section 20. Bonds issued by the Authority shall not be deemed to constitute a debt of the Commonwealth or of any political subdivision thereof, or a pledge of the faith and credit of the Commonwealth or of any political subdivision thereof; but shall (1) if issued with a pledge of the faith and credit of the Authority, be payable only out of the available unencumbered resources of the Authority, or (2) if issued with a pledge of the rentals, receipts and other income of any project or projects, be payable solely from such rentals, receipts and other income, which may be segregated from the otherwise unencumbered resources of the Authority for such purpose as may be provided in the trust indenture or proceedings of the Authority authorizing or providing for the issuance of such bonds. All such bonds shall contain on the face thereof a statement to the effect that the same are issued under this Act, that the Commonwealth shall not be obligated to pay the same, or the interest thereon, except from current resources of the department; and that neither the faith and credit nor the taxing power of the Commonwealth is pledged to the payment of the principal of or interest on such bonds.

Section 21. Any holder of bonds or of any of the coupons appertaining thereto, and the trustee under any trust agreement or indenture, except to the extent the rights herein given may be restricted by such trust agreement or indenture, may protect and enforce any rights under the laws of the Commonwealth or under such trust agreement or indenture, or the proceedings authorizing the issuance of such bonds, and may enforce and compel performance of all duties required by law or by the trust agreement or indenture, or proceedings, to be performed by the Authority or by any officer, agent or employe thereof, including the fixing, charging and collection of rentals or other income.

Section 22. The exercise of the powers granted by this Act shall be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their safety, health and general welfare; and the construction, reconstruction, improvement, maintenance, repair and operation of projects by the Authority shall constitute the performance of essential governmental functions. Hence the Authority shall not be required to pay any taxes or assessments upon any project or upon any property acquired or used by the Authority, or upon the income therefrom, and the bonds issued under the provisions of this Act, their transfer and the income therefrom shall at all time be free from taxation within the Commonwealth. All properties of the Authority are hereby declared to be public properties used for public purposes within the meaning of Section 170 of the Constitution.

Section 23. Bonds issued by the Authority are hereby made securities in which all public officers, agencies and public bodies of the Commonwealth and its political subdivisions and public corporations, all insurance companies, trust companies, banking associations and corporations, combined bank and trust companies, executors, trustees, guardians, committees and all other fiduciaries and all other persons whomsoever, who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital, in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state, municipal or other public office or agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be autohrized or required by law.

Section 24. The Authority may provide for the issuance of bonds for the purpose of refunding any bonds then outstanding which have been issued under the provisions of this Act, including the payment of any premium or adidtional interest incident to the redemption of said outstanding bonds in accordance with their terms, and any interest accrued or to accrue to the date of redemption of such bonds, whether or not such refunding bonds shall bear interest from a date prior to, or coincident with, the

date of redemption of, or voluntary contractual surrender and retirement of, such outstanding bonds; and for the additional purpose of constructing improvements to any project in connection with which the bonds to be refunded have been issued. The Authority may further provide for the issuance of its bonds for the combined purpose of refunding any bonds then outstanding which have been issued pursuant to the provisions of this Act, and paying all or any part of the costs of any additional projects.

Section 25. (1) Moneys received by the Authority may, by agreement with the depository thereof, be deemed to be trust funds to be held and applied solely as provided in any trust indenture, proceedings, or other agreement. The resolution or other proceedings authorizing the bonds of any issue or series, or the trust agreement or indenture securing the same, may provide that any officer with whom, or any bank or trust company with which, such moneys are deposited shall act as trustee of such moneys and shall hold and apply the same, subject to the provisions of this Act and any applicable resolution, proceedings, trust agreement or indenture. Any bank, trust company or combined bank and trust company, incorporated under the laws of the Commonwealth, which is acting as a depository, shall furnish such indemnifying bonds or pledge such securities as may be required by the Authority.

(2) When moneys in any such trust fund are not immediately needed for the purpose for which such funds are provided, the trustee of such funds, upon resolution of the Authority specifically adopted for such purpose, may temporarily invest and reinvest such funds, to the extent authorized by such resolution, in bonds or notes issued or fully guaranteed as to principal and interest by the government of the United States of America; provided, that any such investment or reinvestment shall be subject to any pertinent provisions of the resolution, proceedings or trust indenture or agreement adopted or executed in connection with the issuance of the bonds with respect to which such trust funds are maintained or provided. It is the intent of the General Assembly that trust funds not be permitted to remain idle in the hands of any such trustee when such funds are not needed in the reasonably foreseeable future, as deter-

mined by resolution of the Authority, and can be made to produce revenues as aforesaid.

Section 26. The Authority shall have an initial fiscal period beginning upon the effective date of this Act and ending on June 30, 1954; or, if the organization of the Authority occurs later than April 30, 1954, then the initial fiscal period of the Authority shall end on June 30, 1955. After such initial fiscal period, the Authority shall operate and keep its books and records on the basis of a fiscal year commencing with each July 1 and terminating with the next ensuing June 30th. On or before each October 1, the Authority shall make an annual report to the Governor. Each such report shall set forth a complete operating and financial statement covering the operations of the Authority during the preceding fiscal year. Each year when there is a regular session of the General Assembly, copies of the reports of the Authority for the two previous fiscal years of the Authority shall be filed, on the first day of such regular session, with the presiding officer of the Senate and of the House of Representatives, for such disposition as said officers may prescribe.

Section 27. The Auditor of Public Accounts shall make an annual audit of the books of the Authority, as soon as may be feasible after the close of each fiscal year of the Authority, and as often during any such fiscal year as the Governor may direct. The Authority may also employ independent certified public accountants to make such audits, and the costs thereof shall be deemed a part of the costs of any project designated by resolution of the Authority or by any agreement executed in connection with the issuance of any bonds.

Section 28. The Commonwealth does hereby covenant with, pledge, to and agree with any person, firm or corporation, or Federal Agency, contracting with the Authority or subscribing to or acquiring any bonds issued by the Authority to finance any project, or any part thereof, that until such contract has been performed or all of the bonds at any time issued by the Authority are fully paid and discharged, including the interest thereon, the Commonwealth will not abolish the Authority or limit or alter the rights vested in the Authority in any manner

which would be inconsistent with the continued maintenance and operation of any project, or the improvement thereof, or which would be inconsistent with the due performance of any agreement.

Section 29. All laws applicable to traffic on public roads, highways and other public ways, and all regulations promulgated by any department, division, agency, or instrumentality of the Commonwealth, or by any political subdivision thereof, shall be applicable in like manner to any public highways, roads, bridges or other public ways conveyed to, or constructed, acquired, improved, repaired or maintained by the Authority. The State Police shall have the same jurisdiction of traffic violations upon the public highways, roads bridges and other public ways of the Authority as would have been applicable had such highways, roads, bridges, and public ways been acquired, constructed, improved, repaired or maintained by the department.

Section 30. In the exercise of the powers granted by this Act neither the Authority nor the department shall be subject to the provisions of KRS Chapters 12, 42, 45 and 56.

Section 31. This Act shall be deemed to provide an additional and alternative method for the doing of the things authorized and contemplated hereby, and shall be regarded as supplemental to, and in addition to, powers, rights and privileges conferred by other laws, and shall not be regarded as in derogation of any powers, rights or privileges now existing.

Section 32. The department may advance to the Authority sufficient funds to meet its necessary expenses until such time as the rentals and other income of the Authority are sufficient to permit the assumption of such expenses. Thereafter the general expenses of the Authority shall be allocated to the projects established by it in reasonable proportion.

Section 33. The department may expend such moneys as may be necessary for the study and planning of any project, and use its engineering and other forces and facilities, and employ consulting engineers and traffic engineers and surveyors for the purpose of effecting such studies and planning, and pay for such engineering and traffic and other expert studies and surveys as it

may deem expedient. All such costs and expenses incurred by the department prior to the issuance of bonds by the Authority under the provisions of this Act, shall be paid by the department and charged to the appropriate project or projects of the Authority, and the department shall keep proper records and accounts of each amount so charged. Upon the sale of bonds by the Authority for any project, the funds so expended by the department in connection with such project, shall be reimbursed to the department from the proceeds of such bonds.

Section 34. The General Assembly hereby finds and declares that by reason of the urgent need for improvement of the public highways of the Commonwealth and the necessity for initiating immediate remedial measures, and by reason of the fact that adjoining states are currently planning highway construction and improvement programs which necessitate immediate co-ordination with plans of the Authority created by this Act, an emergency exists and this Act shall become effective immediately upon its passage and approval by the Governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Ralph E. McClanahan
Damon Majors
William C. Mann
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young

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Those who voted in the negative were—

J. Murray Blue
Harry M. Caudill
Cassius M. Clay
John L. Day
Albert Dempsey
James A. Dressman, Jr.
Lon C. Hill
James W. Lambert
Caleb McFadden
William J. Marcum
George R. Martin
Carl D. Melton
James Treadway
Morris Weintraub
Dr. Clyde D. Wooton

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing a resolution.

Said motion was agreed to.

A resolution of the following title was introduced and ordered to be printed and referred, viz:

By Mr. Helm. Mr. Bartley, Mr. McFadden, Mr. Moorman, Mr. Lambert, Mr. Dowell, Mr. Dressman, Mr. Cosby, Mr. Montgomery, Mr. H. Rayburn, Mr. Smith, Mr. Craig, Mr. Ockerman and Mr. Holt.

H. Res. No. 100. A HOUSE RESOLUTION memorializing the Congress of the United States to enact legislation continuing the support price on tobacco within ninety percent of parity.

Said Resolution is as follows, viz:

WHEREAS, the President of the United States has recommended to the Congress that the support price of tobacco be continued at ninety percent of parity; and

WHEREAS, the Congress of the United States will soon consider the subject of parity prices on tobacco; and

WHEREAS, a fair and equitable support program for tobacco is essential to the economic well being of the Commonwealth of Kentucky; and

WHEREAS, a program which establishes support price on tobacco within ninety percent of parity will inure to the benefit of the tobacco farmers in the Commonwealth of Kentucky.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States be and it is memorialized to enact legislation establishing a support price on tobacco within ninety percent of parity.

Section 2. That a copy of this resolution be forwarded by the Clerk of the House to each member of the Congressional delegation from Kentucky, and that each member of the Congressional delegation from Kentucky is hereby urged to support and to work for the enactment of the legislation urged by this resolution.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 100. AN ACT relating to public printing, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 57.020 of the Kentucky Revised Statutes is amended to read as follows:

"The Superintendent of Public Printing shall superintend all printing done by the contractors for the state printing, and shall specify the kind and style of paper, the type to be used, and the style of printing and binding, including the multiple printing of forms in large quantities according to standard size of sheets available, subject to specifications furnished by the Department of Finance."

Section 2. Subsection (7) of Section 57.140 of the Kentucky Revised Statutes is amended to read as follows:

"The acts, the journals of each house of the General Assembly, and the report of the Commissioner of Agriculture, Labor and Statistics shall be bound. All other printed matter shall be only stitched, unless otherwise specially ordered."

Section 3. Section 57.180 of the Kentucky Revised Statutes is amended to read as follows:

"All contractors under this chapter shall promptly execute all orders issued to them by the Department of Finance. The acts and the journals of the two houses of the General Assembly shall be printed and bound, and delivered respectively within sixty days and one hundred eighty days after the end of the

session to the State Librarian for distribution, under the penalty of forfeiture of the bond of the contractor. The Department of Finance may, on good cause shown by the contractor, extend the time for not more than thirty days for executing any work."

Section 4. Section 57.220 of the Kentucky Revised Statutes is amended to read as follows:

"All proclamations, advertisements, notices, proposals and other publications made by any state officer or other person authorized to publish the same on behalf of the state shall, except as otherwise specifically provided by statute, be published in a newspaper or newspapers designated by the Department of Finance, and shall be paid for at such rates as shall be established by the Department of Finance. No allowance shall be made for space occupied by unnecessary blank or displayed headlines, or other device to increase the amount, not required by good taste and the nature of the matter inserted."

Section 5. Section 57.250 of the Kentucky Revised Statutes is amended to read as follows:

"Maximum rates for binding (including sewing) shall be as follows:

(1) For paper covers, including composition, presswork and putting on books, documents and publications, for one hundred copies, two dollars and fifty cents.

(2) For cloth or buckram binding with plain, gilded lettering or embossed lettering on sides or backs, per volume, one dollar.

(3) The words "public property," "property of the state," "state library," or the like shall be put in or on books without extra charge."

Section 6. Section 118.180 of the Kentucky Revised Statutes is amended to read as follows:

"All ballots shall be printed on a quality of paper to be determined by the Commissioner of Finance, weighing eighty pounds to the ream on the basis of a twenty-six by forty inch sheet, or forty pounds to the ream on the basis of a double cap sheet. The county clerk shall notify the Secretary of State sixty

days before the day of election of the size and the number of ballots that will be necessary for his county, estimating five percent more to the precinct than there are registered voters in the county, and the Secretary of State shall furnish the paper within five days after notification by the county clerk."

Mr. Dempsey moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	William J. Conley	Chester J. Holsclaw
John Rhea Banton	Vernor O. Cottengim	William L. Jones
Clarence J. Barnum	W. Marvin Davis	Talmage Lacy
Charles E. Baumgardner, Sr.	O. O. Duncan	Harry King Lowman
Owen Billington	Harold Edmonds	Caleb McFadden
Leo A. Bleemel	Herbert Fern	Damon Majors
J. Murray Blue	Thomas P. Fitzpatrick	Carl D. Melton
J. C. Bradley	Cabell D. Francis	Robert K. Montgomery
Edward O. Bridgers	W. L. Hadden	Fred Morgan
John Young Brown	C. Ruby Harralson	Goebel W. Newsom, Jr.
Harry M. Caudill	George F. Harris	Foster Ockerman
Paul Cobb	Henry R. Heyburn	Louis T. Peniston
	Estill R. Hilton	

Edward D. Pollitte	Mrs. Thelma L. Stovall	Hicks Wells
Jack Raybourne, Jr.	C. Waitman Taylor	William B. Wells
Robert Reid	Eulick Walsh	T. D. Winstead
Russell Reynolds	Will Tom Wathen	Charles W. Wirsch
William A. Routh	Morris Weintraub	Walker H. Wiseman
W. R. Smith		Paul E. Young

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Those who voted in the negative were—

Wallace Bartley	James A. Dressman, Jr.	William C. Mann
Charles W. Buchanan	Addison L. Everett	William J. Marcum
Cassius M. Clay	Harold G. Helm	George R. Martin
R. Josh Cosby	Lon C. Hill	LeRoy Saylor
John L. Day	Jennings H. Kearby	James Treadway
Albert Dempsey	George H. Lovelace	Dr. Clyde D. Wooton

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 349. AN ACT relating to collection of taxes upon the property in any fire protection district, etc.

With Senate amendment attached thereto; and

Requesting that the House concur in said amendment.

H. B. No. 196. AN ACT amending Section 189.390 of the Kentucky Revised Statutes relating to speed and parking of motor vehicles.

With Senate amendment attached thereto.

With the request that the House concur in said amendment.

H. B. No. 244. AN ACT relating to the levy and assessment of property taxes and amending Section 132.200 of the Kentucky Revised Statutes.

With Senate amendment attached thereto.

With the request that the House concur in said amendment.

H. B. No. 178. AN ACT relating to loans and scholarships for the study of medicine and making an appropriation therefor.

With Senate amendment attached thereto.

With the request that the House concur in said amendment.

H. B. No. 279. AN ACT relating to unemployment insurance, etc.

With Senate amendment attached thereto.

With the request that the House concur in said amendment.

Ordered that said bills be delivered to the Chief Clerk of the House.

H. B. No. 212. AN ACT relating to licensing of motor vehicles.

H. B. No. 315. AN ACT relating to children.

H. B. No. 417. AN ACT changing classification of the City of La Center, in Ballard County.

H. B. No. 119. AN ACT providing that certain types of employment shall not constitute "covered employment under the Unemployment Compensation Act."

H. B. No. 485. AN ACT relating to the advancement of funds from the State Treasury to pay jurors.

H. B. No. 486. AN ACT relating to the payment of travel expenses for State officers and employees.

H. B. No. 400. AN ACT relating to Workmen's Compensation.

H. B. No. 487. AN ACT to repeal, amend and re-enact KRS 1953 Edition, relating to the Department of Highways.

H. B. No. 492. AN ACT relating to State Investment Commission.

H. B. No. 186. AN ACT relating to condemnation of property for transportation of material from a mine or quarry.

H. B. No. 491. AN ACT relating to Financial Administration in State Government.

Ordered that said bills be delivered to the enrolling clerk.

A message was received from the Senate that they had passed a resolution originating in that body as follows, viz:

S. Res. No. 64. A SENATE RESOLUTION memorializing the Congress of the United States to enact legislation continuing the support price on tobacco within ninety percent of parity.

Ordered that said resolution be delivered to the Rules Committee.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 131. AN ACT relating to apiaries, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 252.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every person owning or possessing bees shall on or before the first day of July of each year file with the commissioner an application for registration, which application shall set forth the exact location of his apiary or apiaries, the number of colonies of bees in each apiary owned by him or in his possession or under his control, together with such other information as may be required by the commissioner and such person shall pay to the commissioner by draft or money order made payable to the State Department of Agriculture, at the time of registration, the sum of not less than 25c for each owner of an apiary, including all of his branch apiaries. The scale of said fees to be as follows:

1 to 3 colonies ..... $ .25

Each additional colony ..... .05

Mr. Jones moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

John Rhea Banton	William J. Conley	Harold G. Helm
Clarence J. Barnum	R. Josh Cosby	Estill R. Hilton
Wallace Bartley	Vernor O. Cottengim	Chester J. Holsclaw
Charles E. Baumgardner, Sr.	W. Marvin Davis	William L. Jones
Owen Billington	C. E. Dowell	Jennings H. Kearby
Leo A. Bleemel	James A. Dressman, Jr.	Talmage Lacy
J. Murray Blue	O. O. Duncan	James W. Lambert
Edward T. Breathitt, Jr.	Harold Edmonds	George H. Lovelace
Edward O. Bridgers	Addison L. Everett	Harry King Lowman
John Young Brown	Thomas P. Fitzpatrick	Shelby McCallum
Charles W. Buchanan	Cabell D. Francis	Ralph E. McClanahan
Harry M. Caudill	W. L. Hadden	Caleb McFadden
Paul Cobb	C. Ruby Harralson	Damon Majors
	George F. Harris	William C. Mann
		George R. Martin

Alton B. Mitchell	Paul T. Ratcliffe	Eulick Walsh
Robert K. Montgomery	Jack Raybourne, Jr.	Will Tom Wathen
Fred Morgan	Robert Reid	W. W. Webster
Goebel W. Newsom, Jr.	Russell Reynolds	Hicks Wells
Foster Ockerman	Cecil C. Sanders	T. D. Winstead
Louis T. Peniston	W. R. Smith	Charles W. Wirsch
Edward D. Pollitte	Mrs. Thelma L. Stovall	Walker H. Wiseman
	C. Waitman Taylor	Paul E. Young

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Those who voted in the negative were—

Albert Dempsey	William J. Marcum	LeRoy Saylor
Lon C. Hill	Lloyd E. Rogers	James Treadway

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Resolved that the title thereof be as aforesaid.

Mr. Jones moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 231. AN ACT relating to eggs and the marketing thereof.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The functions assigned by the provisions of KRS 217.220, 217.240 and 217.250 to the Department of Health relating to egg marketing shall be transferred to and performed by the Department of Agriculture, Labor and Statistics. Any unexpended funds to the credit of the Department of Health for use in carrying out the provisions of KRS 217.220 to KRS 217.250 shall be transferred to the credit of the Department of Agriculture, Labor and Statistics for the same use.

Section 2. This Act shall become effective April 1, 1955.

Mr. Jones moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Estill R. Hilton
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
George R. Martin
Alton B. Mitchell
Robert K. Montgomery
Fred Morgan
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.

Robert Reid	Mrs. Thelma L. Stovall	W. W. Webster
Russell Reynolds	C. Waitman Taylor	Hicks Wells
Lloyd E. Rogers	James Treadway	T. D. Winstead
Cecil C. Sanders	Eulick Walsh	Charles W. Wirsch
LeRoy Saylor	Will Tom Wathen	Walker H. Wiseman
W. R. Smith		Paul E. Young

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Those who voted in the negative were—

Lon C. Hill William J. Marcum —2

Resolved that the title thereof be as aforesaid.

Mr. Jones moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 125. AN ACT permitting the fiscal courts of counties and the governing bodies of cities to contract with each other for the performance of governmental services.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Notwithstanding any existing means provided by law for joint city-county functions, the fiscal court of any county and the governing body of any city within that county may enter into contractual arrangements with each other for the performance of governmental services within the county, both within and without the boundary of the city.

Section 2. Any contractual arrangement entered into under Section 1 of this Act shall:

(1) Name the service to be performed and clearly define same;

(2) State which subdivision of government shall render the service;

(3) Define the area within which the service contracted for shall be performed;

(4) Provide the means of payment of the cost of the service;

(5) Take cognizance of the fact that city residents are county residents and taxpayers to both governments, and provide for an equitable distribution of the cost of providing the service.

Section 3. Insofar as is necessary to effect the purposes of this Act, officers, agents, servants and employes of the subdivision of government providing the service shall be sworn in and authorized to act within the area covered by any contractual agreement and no such qualification or authorization to act shall be considered the holding of incompatible positions.

Section 4. The governing body of any other city within the county may, with the mutual consent of the fiscal court and the governing body of each city constituting a party thereto, become a party to and beneficiary of a contract entered into under authority of Section 1 of this Act. The inclusion of a third-party city in any such contract shall be by a writing in compliance with Section 2 of this Act.

Section 5. (1) The governing body of any city electing to render or to receive governmental services under a contract authorized by this Act may, by ordinance, abolish any office rendered unnecessary thereby, or may, by ordinance, declare any such office vacant during the term of the contract. Any such office occupied by an official elected by the qualified voters of the city shall not be abolished or declared vacant before the end of the term of the incumbent.

(2) The fiscal court or the appointing authority of any county electing to render or to receive governmental services under a contract authorized by this Act may declare vacant for the term of the contract any office rendered unnecessary thereby. Any such office occupied by an officer elected by the qualified voters of the county shall not be declared vacant before the end of the term of the incumbent.

Section 6. (1) When the fiscal court of any county and

the governing body of any city within that county enter into a contract for the rendering of governmental services to the county by the city or to the city by the county, the contract shall make such provision for the transfer of employes from the departments of the subdivision of government receiving the service to the departments of the subdivision of government rendering the service as may effect the efficient functioning of the plan for service to the people.

(2) In the event that in accordance with the provisions of subsection (1) of this section, employes are transferred to a governmental department subject to any civil service laws or regulations, those transferred employes shall during the term of the contract be subject to any such civil service laws or regulations. Such employes, when transferred, shall be considered as having satisfied all of the qualifications for obtaining original appointment under applicable civil service laws and regulations, and shall be considered as having been given probationary appointments as defined in such laws or regulations as of the date they are so placed in the classified service.

Section 7. Any contract entered into under the provisions of this Act shall be for a term of at least two years and not more than four years. At least one year before the termination date of any such contract, each contracting party shall in writing notify the other of its intention to enter into a new contract concerning the services rendered and received or of its intention to terminate the arrangements.

Mr. Ockerman offered the following amendment and moved its adoption.

Amendment No. 1—On page 4, by adding after line 7 a new section to read as follows:

"Section 8. Employees transferred, under the provision of this act, to a governmental department which has pension rights and benefits for its employees shall not be entitled to participate in those rights or benefits. Employees transferred to a governmental department shall not, because of such a transfer, lose any pension rights or benefits provided for by the department from which he was transferred.

Said motion was agreed to by voice vote.

Said amendment was adopted.

Mr. Ockerman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that the said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Lon C. Hill
Estill R. Hilton
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton

Robert K. Montgomery	Hobart Rayburn	Will Tom Wathen
Fred Morgan	Robert Reid	W. W. Webster
Goebel W. Newsom, Jr.	Russell Reynolds	Morris Weintraub
Foster Ockerman	Lloyd E. Rogers	Hicks Wells
Louis T. Peniston	William A. Routh	Mrs. Randolph Wilson
Edward D. Pollitte	Cecil C. Sanders	Charles W. Wirsch
Paul T. Ratcliffe	W. R. Smith	Walker H. Wiseman
Jack Raybourne, Jr.	Mrs. Thelma L. Stovall	Dr. Clyde D. Wooton
	C. Waitman Taylor	Paul E. Young

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There voted in the negative—

James Treadway —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 219. AN ACT relating to teachers' tenure.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.740 of the Kentucky Revised Statutes is amended to read as follows:

(1) Teachers eligible for continuing service status in any school district shall be those teachers who meet qualifications listed in this section:

(a) Hold a standard or college certificate as defined in KRS 161.720;

(b) When a teacher is recommended for reemployment after teaching four years in a district, the superintendent shall recommend said teacher for a continuing contract, and, unless

the board of education by a four-fifth vote of its full membership rejects the continuing contract of the teacher, a written continuing contract shall be issued. If the board of education rejects the continuing contract of the teacher recommended, the superintendent may recommend employment of such teacher, under a limited contract for not to exceed two years, but upon subsequent reemployment only a written continuing contract shall be entered into.

(c) When a teacher has attained continuing contract status in one district and is employed in and transfers to another district, upon the recommendation of the superintendent the board of education may at the time of employment, or at any time within a two year period, declare any transfer teacher eligible for a written continuing contract and extend to such teacher such contract. If during the two year period the teacher has not received a written continuing contract and the teacher is recommended for reemployment at the end of the two year period, the superintendent shall recommend said teacher for a continuing contract and if reemployed a written contract shall be issued.

(d) Any teacher who has taught six years or more and is eligible for a continuing contract but has not received such contract shall, if employed for the school year 1955-56, receive a written continuing contract.

(2) Any teacher or superintendent who has been or may be hereafter inducted into the Armed Forces of this country for service in the present war, shall at the expiration of such service be reemployed or reinstated in his or her former position as of the beginning of the next school year provided application is made at least thirty days before the opening of school, unless physically or mentally incapacitated. Any teacher or superintendent desiring reinstatement in his or her former position shall file application for same with the board of education within a period of sixty days immediately following discharge from the Armed Forces of the country. Vacancies created by military leaves shall be filled by teachers or superintendents employed by the board of education under limited contracts only.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	R. Josh Cosby	William L. Jones
John Rhea Banton	Vernor O. Cottengim	Jennings H. Kearby
Clarence J. Barnum	W. Marvin Davis	Talmage Lacy
Wallace Bartley	Albert Dempsey	George H. Lovelace
Charles E. Baumgardner, Sr.	C. E. Dowell	Harry King Lowman
Owen Billington	James A. Dressman, Jr.	Shelby McCallum
Leo A. Bleemel	Harold Edmonds	Damon Majors
J. Murray Blue	Addison L. Everett	William C. Mann
J. C. Bradley	Herbert Fern	William J. Marcum
Edward T. Breathitt, Jr.	Thomas P. Fitzpatrick	George R. Martin
Edward O. Bridgers	Cabell D. Francis	Carl D. Melton
John Young Brown	W. L. Hadden	Robert K. Montgomery
Charles W. Buchanan	C. Ruby Harralson	Walter R. Moorman
Harry M. Caudill	George F. Harris	Goebel W. Newsom, Jr.
Cassius M. Clay	Harold G. Helm	Louis T. Peniston
William J. Conley	Lon C. Hill	Paul T. Ratcliffe
	Estill R. Hilton	Jack Raybourne, Jr.
	Chester J. Holsclaw	Hobart Rayburn

Robert Reid	Mrs. Thelma L. Stovall	Will Tom Wathen
Lloyd E. Rogers	C. Waitman Taylor	Hicks Wells
William A. Routh	James Treadway	Charles W. Wirsch
Cecil C. Sanders	Eulick Walsh	Walker H. Wiseman
LeRoy Saylor		Paul E. Young
W. R. Smith		–67

There voted in the negative–

James W. Lambert –1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 187. AN ACT relating to the preservation of bank records.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Preservation of bank records.

A. Every state bank shall retain its business records for such periods as are or may be prescribed by or in accordance with the terms of this Section.

B. Each state bank shall retain permanently the minute book of meetings of its stockholders and directors, its capital stock ledger and capital stock certificate ledger or stubs, its general ledger, its daily statements of condition, its general journal, its investment ledger, its copies of bank examination reports, and all records which the Commissioner of Banking shall in accordance with the terms of this Section require to be retained permanently.

C. All other bank records shall be retained for such periods

as the Commissioner of Banking shall in accordance with the terms of this Section prescribe.

D. The Commissioner of Banking shall from time to time issue regulations classifying all records kept by state banks and prescribing the period for which records of each class shall be retained. Such periods may be permanent or for a lesser term of years. Such regulations may from time to time be amended or repealed. Prior to issuing any such regulation the Commissioner of Banking shall consider

(1) Actions at law and administration proceedings in which the production of bank records might be necessary or desirable.

(2) State and federal statutes of limitation applicable to such actions or proceedings.

(3) The availability of information contained in bank records from other sources.

(4) Such other matters as the Commissioner shall deem pertinent in order that its regulations will require banks to retain their records for as short a period as is commensurate with the interests of bank customers and shareholders and of the people of this State in having bank records available.

E. Any state bank may dispose of any record which has been retained for the period prescribed by or in accordance with the terms of this Section for retention of records of its class, and shall thereafter be under no duty to produce such record in any action or proceeding.

F. Any state bank, including the Department of Banking, may cause any or all records at any time in its custody to be reproduced by the microphotographic process and any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original.

G. To the extent that they are not in contravention of any law of the United States, the provisions of this Section shall apply to all banks doing business in this State.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Vernor O. Cottengim	Jennings H. Kearby
Walter J. Bailey	W. Marvin Davis	Talmage Lacy
John Rhea Banton	Albert Dempsey	James W. Lambert
Clarence J. Barnum	C. E. Dowell	George H. Lovelace
Wallace Bartley	James A. Dressman, Jr.	Harry King Lowman
Owen Billington	O. O. Duncan	Caleb McFadden
Leo A. Bleemel	Harold Edmonds	Damon Majors
J. Murray Blue	Herbert Fern	William J. Marcum
Edward T. Breathitt, Jr.	Thomas P. Fitzpatrick	George R. Martin
Edward O. Bridgers	Cabell D. Francis	Carl D. Melton
John Young Brown	W. L. Hadden	Alton B. Mitchell
Charles W. Buchanan	C. Ruby Harralson	Robert K. Montgomery
Harry M. Caudill	George F. Harris	Walter R. Moorman
Cassius M. Clay	Harold G. Helm	Fred Morgan
Paul Cobb	Lon C. Hill	Goebel W. Newsom, Jr.
William J. Conley	Estill R. Hilton	Foster Ockerman
R. Josh Cosby	Chester J. Holsclaw	Louis T. Peniston
	William L. Jones	Edward D. Pollitte

Paul T. Ratcliffe	LeRoy Saylor	Will Tom Wathen
Jack Raybourne, Jr.	W. R. Smith	W. W. Webster
Hobart Rayburn	Mrs. Thelma L. Stovall	Hicks Wells
Robert Reid		T. D. Winstead
Lloyd E. Rogers	C. Waitman Taylor	Charles W. Wirsch
William A. Routh	James Treadway	Walker H. Wiseman
Cecil C. Sanders	Eulick Walsh	Paul E. Young

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There voted in the negative—

William C. Mann —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 158. AN ACT relating to the manufacture and sale of prison-made goods.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Welfare is hereby authorized to purchase in the manner provided by law, equipment, raw materials and supplies, and to employ the supervisory personnel necessary to establish and maintain for this state, industries at the penitentiary or any penal farm or institution of the department, for the purpose of utilizing the services of prisoners in the manufacture or production of such articles or products, including license plates, road signs and other articles and products heretofore manufactured or produced, as may be needed for the construction, operation, maintenance or use of any office, department, institution or agency supported in whole or in part by this state or the political subdivisions thereof.

Section 2. (1) On and after the effective date of this Act all offices, departments, institutions and agencies of this state which are supported in whole or in part by this state shall purchase, and all political subdivisions of this state may purchase, when economically feasible from the Department of Welfare all articles or products required by such offices, departments, institutions, agencies or political subdivisions of this state, produced or manufactured by prison labor, as provided by this Act, and no such article or product shall be purchased by any such office, department, institution, or agency, from other source, except as hereinafter provided:

(a) Exceptions may be made in any case where, in the opinion of the Department of Finance, the articles or products so produced or manufactured do not meet the reasonable requirements of such offices, departments, institutions, agencies, or, in any case, where the requisition cannot be reasonably complied with because of an insufficient supply of the articles or products required. However, no office, department, institution or agency, shall be allowed to evade the intent and meaning of this Act by slight variations from standards adopted by the Division of Purchases when the articles or products produced or manufactured by the Department of Welfare in accordance with said standards, are reasonably adapted to the actual needs of such office, department, institution, or agency.

(2) All purchases, under this Act shall be made through the Department of Finance upon requisition by the proper authority of the Office, department, institution, agency or political subdivision of this state.

Section 3. The articles or products manufactured or produced by prison labor in accordance with the provisions of this Act shall be devoted, first, to fulfilling the requirements of the offices, departments, institutions, and agencies of this state which are supported in whole or in part by this state, and, secondly, to supply the political subdivisions of this state with such articles and products.

Section 4. The Department of Welfare, with the approval of the Department of Finance, shall establish the prices at

which all articles or products manufactured or produced shall be furnished.

Section 5. All moneys collected by the Department of Welfare from the sale or disposition of articles and products manufactured or produced by prison labor in accordance with the provisions of this Act, shall be forthwith deposited with the State Treasurer to be there kept and maintained as special revolving accounts, each designated as a "Trust and Agency Account" as now in effect, and as may be necessary, and such moneys so collected and deposited shall be used for the purposes of carrying out this Act, except that such moneys may be used for other than prison industry purposes within the Department of Welfare with the approval of the Commissioner of Welfare and the Department of Finance.

Section 6. The Department of Welfare is authorized to enter into contracts approved by the State Property and Buildings Commission with any person or persons upon a self-liquidating basis respecting the acquisition and purchase of any such equipment, tools, supplies and materials, so that it may be paid for over a period of not exceeding five years. The aggregate amount of such purchases or acquisitions shall not exceed two hundred and fifty thousand dollars unless specifically approved by the Governor and such amounts are to be payable solely out of the revenues derived from the activities authorized by this Act. Nothing in this section shall be so construed or interpreted as to authorize or permit the incurring of a state debt of any kind or nature as contemplated by the Constitution.

Section 7. On and after the effective date of this Act, it shall be unlawful to sell or offer for sale, except to Federal institutions within the state boundaries, on the open market of this state any articles or products manufactured or produced, wholly or in part, in this or any other state by convicts or prisoners of this state, or any other state, except convicts or prisoners on parole or probation.

Section 8. (1) Any person who willfully violates any of the provisions of this Act for which no other penalty is herein provided, shall be fined not less than ten dollars nor more than

five hundred dollars, or confined in jail for not less than ten days nor more than one year, or both.

(2) Any person violating the provisions of Section 7 of this Act shall be fined not less than two hundred dollars nor more than five hundred dollars, or imprisoned in the county jail for not less than three months nor more than one year, or both.

Section 9. Sections 197.080, 197.090 and 197.100 of the Kentucky Revised Statutes are repealed.

Mr. Day moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward T. Breathitt, Jr.	John L. Day
Walter J. Bailey	Edward O. Bridgers	Albert Dempsey
John Rhea Banton	John Young Brown	O. O. Duncan
Clarence J. Barnum	Charles W. Buchanan	Harold Edmonds
Wallace Bartley	Harry M. Caudill	Addison L. Everett
Owen Billington	Cassius M. Clay	Herbert Fern
Leo A. Bleemel	Paul Cobb	Thomas P. Fitzpatrick
J. Murray Blue	W. Marvin Davis	Cabell D. Francis
J. C. Bradley		W. L. Hadden

Harold G. Helm	Alton B. Mitchell	William A. Routh
Henry R. Heyburn	Robert K. Montgomery	LeRoy Saylor
Lon C. Hill	Walter R. Moorman	W. R. Smith
Chester J. Holsclaw	Goebel W. Newsom, Jr.	C. Waitman Taylor
William M. Horn	Foster Ockerman	James Treadway
William L. Jones	Louis T. Peniston	Eulick Walsh
Jennings H. Kearby	Edward D. Pollitte	Will Tom Wathen
Talmage Lacy	Paul T. Ratcliffe	W. W. Webster
James W. Lambert	Jack Raybourne, Jr.	Hicks Wells
Shelby McCallum	Hobart Rayburn	Mrs. Randolph Wilson
Caleb McFadden	Robert Reid	T. D. Winstead
Damon Majors	Russell Reynolds	Walker H. Wiseman
William C. Mann	Lloyd E. Rogers	Paul E. Young
William J. Marcum		
Carl D. Melton		—67

Those who voted in the negative were—

William J. Conley	George H. Lovelace	Morris Weintraub
R. Josh Cosby	George R. Martin	Charles W. Wirsch
Vernor O. Cottengim	Cecil C. Sanders	Charles W. Burnley, Speaker
James A. Dressman, Jr.	Mrs. Thelma L. Stovall	—11

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills and resolutions originating in the House as follows, viz:

H. B. No. 45. AN ACT relating to supervisors of taxes in cities of the fourth class.

By way of Senate Committee Substitute;

With Senate amendments attached thereto.

With the request that the House concur in said amendments.

H. B. No. 270. AN ACT relating to places of entertainment.

With Senate amendment attached thereto.

With the request that the House concur in said amendment.

H. Res. No. 71. A JOINT RESOLUTION authorizing Henry H. Meadows of Boone County, to sue the Commonwealth and the Department of Highways.

With Senate amendments attached thereto.

With the request that the House concur in said amendments.

H. Res. No. 40. A JOINT RESOLUTION authorizing Burton McGee, father of Stephen McGee to sue the Highway Department and the Commonwealth of Kentucky.

With Senate amendments attached thereto.

With the request that the House concur in said amendments.

H. Res. No. 91. A JOINT RESOLUTION providing for payment of Compensation for services rendered, and expenses incurred by employees.

With Senate amendments attached thereto.

With the request that the House concur in said amendments.

H. Res. No. 92. A JOINT RESOLUTION providing for payment of compensation for benefit of officers and employees of House and Senate.

With Senate amendment attached thereto.

With the request that the House concur in said amendment.

Ordered that said bills and resolutions be delivered to the Chief Clerk of this House.

H. Res. No. 53. A JOINT RESOLUTION providing for an investigation by Legislative Research Commission of milk prices in Kentucky.

H. Res. No. 93. A JOINT RESOLUTION memorializing

Congress of the United States to enact legislation for the protection of the fluorspar industry.

H. Res. No. 15. A JOINT RESOLUTION commending public officials of the Commonwealth for establishing Carter Caves State Park.

H. B. No. 497. AN ACT relating to the conservation, development and use of water resources.

Ordered that said bills and resolutions be delivered to the enrolling clerk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 3. AN ACT relating to annexation of territory by sanitation districts in counties not containing a city of the first class.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of Kentucky Revised Statutes is hereby created to read as follows:

When the board of directors of a district in a county not containing a city of the first class desire to annex territory to the district, it shall cause to be filed with the commissioner a petition setting forth a reasonably accurate description of the territory proposed to be annexed, together with a statement of the reasons constituting the necessity for annexation of the territory. No such petition shall be declared void on account of alleged defects, but the commissioner may at any time permit amendments in form and substance to conform to the facts, by correcting any errors in the description of the territory or in any other paricular.

Section 2. A new section of Kentucky Revised Statutes is hereby created to read as follows:

(1) When a petition for annexation of territory to a district is filed with the commissioner, he shall investigate at once the boundary of the territory proposed to be annexed, and may, at the cost of the district, cause to be made surveys necessary to

establish with reasonable accuracy a boundary that will, in his judgment, accomplish the purpose sought by annexation of the territory in a practicable and workable manner, and that will be sufficiently comprehensive to avoid confusion or interference with any other similar district then existing or that may be created. The boundary established by the commissioner need not follow the boundary proposed by the district.

(2) Should it be found desirable to include in the territory to be annexed by a district all or a portion of a city of the second, third, fourth, fifth or sixth class, the governing body of such city shall determine by ordinance whether the city or portion thereof shall be included in the district, or whether the city shall bind itself to pay the charges for the services of the district furnished in such area.

(3) When the boundaries of the territory proposed to be annexed have been fixed by the commissioner as prescribed in subsection (1) of this section, he shall give notice of the application for annexation of the territory by posting a notice in at least ten places in the territory proposed to be annexed, or by publishing it in at least two consecutive, regular editions of a newspaper of general circulation in the territory proposed to be annexed.

Section 3. A new section of Kentucky Revised Statutes is created to read as follows:

Any owner of real property in the territory proposed to be annexed who wishes to object to the annexation of the territory to the district shall, within sixty days after the giving of notice by the commissioner, file his petition in the circuit court of the county in which the larger part of the territory proposed to be annexed is located, naming the commissioner defendant and setting out in his petition his objections to the annexation of the territory. The commissioner shall be represented in the circuit court by the county attorney and in the Court of Appeals by the Attorney-General, and he also may require his defense to be made by the district. The issues may be made up and the case may be docketed for hearing as in an action for a declaration of rights. An appeal to the Court of Appeals may be taken in the manner provided in the Rules of Civil Procedure, but such appeals shall be docketed within sixty days from the entry of

judgment, unless the time be extended by the lower court, but in no event beyond one hundred and twenty days from the entry of judgment. The appeal may be advanced for immediate hearing and submission. The burden of proof shall be upon the plaintiff to show cause why the territory, or any portion of it, should not be annexed to the district. If the court renders judgment against the commissioner, the judgment shall point out the changes required for annexation of the territory, which, if met by the commissioner, shall authorize annexation of the territory. If the proposed changes are not met by the commissioner, the territory shall not be annexed unless new proceedings are instituted in the manner prescribed by Sections 1 and 2 of this Act, but such new proceedings shall not be instituted for a period of six months after the date of judgment. If the court gives judgment against the plaintiff, the board of directors may annex the territory. An appeal taken as authorized in this section shall suspend the judgment until the case has been passed upon by the Court of Appeals and final judgment rendered. Either the plaintiff or the commissioner may appeal from the judgment of the circuit court to the Court of Appeals, but the commissioner shall not be required to make any appeal bond. Except as otherwise provided in this section, the pleading and practice shall be the same as in other suits in equity.

Mr. Fitzpatrick moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	O. O. Duncan	Robert K. Montgomery
Walter J. Bailey	Harold Edmonds	Louis T. Peniston
John Rhea Banton	Addison L. Everett	Edward D. Pollitte
Clarence J. Barnum	Herbert Fern	Paul T. Ratcliffe
Wallace Bartley	Thomas P. Fitzpatrick	Jack Raybourne, Jr.
Owen Billington	Cabell D. Francis	Hobart Rayburn
Leo A. Bleemel	W. L. Hadden	Robert Reid
J. Murray Blue	C. Ruby Harralson	Russell Reynolds
J. C. Bradley	George F. Harris	Lloyd E. Rogers
Edward T. Breathitt, Jr.	Henry R. Heyburn	William A. Routh
Edward O. Bridgers	Estill R. Hilton	Mrs. Thelma L. Stovall
John Young Brown	Chester J. Holsclaw	C. Waitman Taylor
Harry M. Caudill	William L. Jones	Eulick Walsh
Cassius M. Clay	Jennings H. Kearby	Will Tom Wathen
William J. Conley	Talmage Lacy	W. W. Webster
R. Josh Cosby	James W. Lambert	T. D. Winstead
Vernor O. Cottengim	Harry King Lowman	Charles W. Wirsch
W. Marvin Davis	Damon Majors	Walker H. Wiseman
John L. Day	William C. Mann	Paul E. Young
James A. Dressman, Jr.	Carl D. Melton	
	Alton B. Mitchell	

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Those who voted in the negative were—

Harold G. Helm	Foster Ockerman	James Treadway
Goebel W. Newsom, Jr.		

—4

Resolved that the title thereof be as aforesaid

Mr. Fitzpatrick moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 16. AN ACT relating to taxation and sewer service charges of sanitation districts, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 220.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of directors, as soon as duly appointed and qualified, may levy one, two, or three annual taxes, which taxes need not be in successive years, of not more than fifteen cents upon each one hundred dollars of assessed valuation of property within the district, to be used for the purpose of paying the expenses of organization, surveys and plans, and for other incidental expenses that may be necessary up to the time money is received from the sale of bonds. This tax shall be certified to the auditors of the various counties and by them to the respective treasurers of their counuties. The tax shall be based upon the last preceding assessment for state and county purposes, its collection shall conform to the collection of taxes for counties, and the same provisions concerning the nonpayment of taxes shall apply. The tax shall be added by the county clerk to the next state and county tax bill following the levy of the tax by the board of directors, and shall be collected concurrently with the state and county taxes. Neither the county tax commissioner nor the county court clerk shall be entitled to any additional compensation for the services rendered in connection with the listing of the property for taxation nor shall the sheriff receive any additional compensation for the collection of the tax.

Section 2. Section 220.510 of the Kentucky Revised Statutes is amended to read as follows:

The board of directors shall, by resolution, determine the rates and compensation or rentals to be charged for the use of the sanitary works. The board of directors may provide for a sewer service charge to be imposed and collected, beginning at the time the plan for the improvement has been approved by the

State Board of Health, and work is begun on plans and specifications for the improvement. The rates shall at all times be reasonable, taking into account the cost of the works, the cost of operation and maintenance, and the amount necessary for the amortization of the bonds issued to finance the works. The same schedule of rates and charges shall apply to all users of the same class. The rates shall be binding upon all users of the system. The board may alter and revise the rates in its discretion. In case of failure of any user to pay for services rendered, the board may compel payment and may enjoin further use until the payment is made, or it may institute an action in any court having jurisdiction for the recovery of charges for services rendered, or the board may, by a notice in writing, signed by its chairman or any member of said board, notify the municipality, or the person, firm, or corporation which furnishes water to the user's premises, to shut off the water service to said user's premises until such time as all delinquent charges, plus a reasonable charge for turning off and on the water service, against said user, are paid in full. Upon receipt of such notice in writing, the municipality, or the person, firm, or corporation, which furnishes water to the said user's premises, shall immediately shut off and discontinue the water service to the said user's premises. Upon full payment of such account, plus a reasonable charge for turning off and on the water service, the chairman, or any member of said board, shall notify the said municipality, person, firm, or corporation, which furnishes water to said user, that the account is paid in full, including such reasonable charge for turning off and on the water service, and that the said water service can again be provided to said user's premises. The board of directors shall promptly pay to such municipality, person, firm, or corporation, such fee or charge collected for turning off and on such water service. The board may enter into contracts with public corporations or other large users of sewer services. The board may provide by resolution any provisions and stipulations it deems necessary for the administration of the revenue of the district, and for the security of the bondholders.

Mr. Fitzpatrick moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
John Young Brown
Harry M. Caudill
Cassius M. Clay
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
John L. Day
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Henry R. Heyburn
Estill R. Hilton
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Damon Majors
William C. Mann
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
William A. Routh
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman

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Those who voted in the negative were—

Edward O. Bridgers	Goebel W. Newsom, Jr.	Foster Ockerman
Harold G. Helm		James Treadway

—5

Resolved that the title thereof be as aforesaid.

Mr. Dressman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the tbale.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The Speaker, Mr. Burnley, having vacated the chair, Mr. Wathen assumed the chair as Speaker pro tem.

The House took up for consideration from the hands of the Chief Clerk a bill of the following title, viz:

H. B. No. 365. AN ACT relating to public school education; to provide for the establishment, operation and financing of a foundation program for the public schools in the Commonwealth of Kentucky, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. In this Act, it is the intention of the General Assembly to assure substantially equal public school educational opportunities, through a foundation program, for those in attendance in the public schools of the Commonwealth, but not to limit nor to prevent any school district from providing educational services and facilities beyond those assured by the foundation program; and to provide, as additional state funds are made available for the public schools, for the use of such Funds for the further equalization of educational opportunities. This Act shall be interpreted as a measure to provide for an efficient system of public schools throughout the Commonwealth, as prescribed by section 183 of the Constitution of Kentucky, and for the manner of distribution of the public school fund among the districts and its use for public school purposes, as prescribed by section 186 of the Constitution.

SECTION 2. As used in this Act, unless the context otherwise requires:

(1) "Average daily attendance" means the aggregate days attended by pupils in a public school, divided by the actual number of days the school is in session for the year.

(2) "Average daily membership" means the aggregate days of membership of pupils in a public school divided by the actual number of days the school is in session for the year:

(3) "Board" means the board of education of any county or independent school district;

(4) "Class room unit" means the unit for measuring educational needs for foundation program purposes;

(5) "District" means any school district as defined by law;

(6) "Elementary school" means a school consisting of grades one through eight, or any appropriate combination of grades within this range, as determined by the plan of organization for schools authorized by the district board;

(7) "Foundation program" means the level of educational services and facilities, as defined in this Act, which is to be provided in each district from the required local tax effort and the public school foundation program fund;

(8) "Isolated school" means an elementary or secondary school which had fewer than one hundred pupils in average daily attendance during the previous school year and which meets such standards for isolation as shall be prescribed by the regulations of the State Board of Education, based on factors to include distance by the nearest passable road from another appropriate school center which is able to receive the pupils, and the time for transportation necessary to attend another school; provided, however, that the Superintendent of Public Instruction, under regulations of the State Board of Education, may annually classify a school as "temporarily isolated" for a period not to exceed five years if satisfactory facilities for the pupils cannot be provided at another appropriate school center;

(9) "Public school foundation program fund" means the

fund created by section 3 of this Act for use in financing education in public elementary and secondary schools;

(10) "Regulations of the State Board of Education" means those regulations which the State Board of Education may adopt upon the recommendation and with the advice of the Superintendent of Public Instruction. The Superintendent of Public Instruction shall recommend for adoption of the State Board of Education such rules and regulations as he deems necessary for carrying out the purposes of this Act;

(11) "Required local tax effort" means the amount of money required to be provided by a district from local revenue sources toward the cost of the foundation program in the district;

(12) "Secondary school" means a school consisting of grades seven through twelve, or any appropriate combination of grades within this range as determined by the plan of organization for schools authorized by the district board. When grades seven through nine or ten are organized separately as a junior high school, or grades ten through twelve are organized separately as a senior high school and are conducted in separate school plant facilities, each shall be considered a separate secondary school for the purposes of this Act;

(13) "Single salaried schedule" means a schedule adopted by a local board and approved by the State Board of Education upon recommendation of the Superintendent of Public Instruction, which is based on training, experience and such other factors as the board may authorize and which does not discriminate between salaries paid elementary and secondary teachers;

(14) "Teacher" means any full-time regular or special teacher, principal, supervisor, superintendent, assistant superintendent, librarian, director of pupil personnel, or other full-time member of the teaching or professional staff engaged in the service of the public elementary and secondary school for whom certification is required as a condition of employment;

(15) "Transportation unit" means the unit for measuring pupil transportation needs for foundation program purposes.

SECTION 3. (1) There is hereby established the public

school foundation program fund which shall consist of two accounts: one to be designated the per capita account and the other to be designated the equalization account, consisting of appropriations for distribution to districts in accordance with the provisions of this Act.

(2) The resources of the public school foundation program fund shall be paid into the State Treasury, and shall be drawn out or appropriated only in aid of public schools as provided by statute.

SECTION 4. The Superintendent of Public Instruction shall, on or before July 1 in each year, ascertain for the school year the amount of the per capita account to which each district will be entitled according to the number of children listed in its census enumeration as shown by the annual report of the director of pupil personnel; provided, however, that not more than $26,212,500 shall be apportioned on a per capita basis in any year. The Department of Finance shall furnish the Superintendent of Public Instruction any data needed in making the apportionment. The Superintendent of Public Instruction shall, as soon as practicable, file a copy of the apportionment with the Department of Finance, and inform the board of each district of the amount to which the district is entitled.

SECTION 5. (1) Each district which meets the following requirements shall be eligible to share in the distribution of funds from the equalization account of the public school foundation program fund:

(a) Employs and compensates all teachers for not less than nine scholastic months; provided, that the State Board of Education, upon recommendation of the Superintendent of Public Instruction, shall prescribe procedures whereby this requirement may be reduced during any year for any district which employs teachers for less than nine scholastic months, in which case the eligibility of a district for participation in the equalization account shall be in proportion to the length of time teachers actually are employed;

(b) Operates all schools for a length of term which meets the requirements of KRS 158.070 and regulations of the State

Board of Education; provided, that if the school term is less than nine months the eligibility of a district for participation in the equalization account shall be in proportion to the length of term the schools actually operate;

(c) Compensates all teachers on the basis of a single salary schedule and in conformity with the provisions of this Act;

(d) Makes the required local tax effort, except as otherwise provided by section 10 (2) of this Act;

(e) Provides for the assessment and levy of school taxes in an amount which shall not be less during 1954-55 or 1955-56 than the amount received by the district from this source during 1953-54 unless the Department of Revenue certifies to the Superintendent of Public Instruction a decreased total value of property subject to taxation for school purposes in such district.

(f) Includes no non-resident pupils in its average daily attendance, except by written contract with the district of the pupils' legal residence;

SECTION 6. (1) In determining the cost of the foundation program for each district, the Superintendent of Public Instruction shall allot to each district classroom units for elementary and secondary schools, classroom units for vocational education, classroom units for special instructional services for exceptional children, classroom units for superintendents, principals and their certificated assistants and special instructional service personnel, classroom units for supervisors of instruction, and classroom units for directors of pupil personnel; provided, however, that the number of classroom units allotted any district shall not exceed the number of teachers employed by the district.

(2) In allotting classroom units for elementary and secondary schools, one classroom unit shall be included for each twenty-seven pupils in average daily attendance; provided, however, that one classroom unit shall be included for each isolated one-teacher shcool and one unit shall be included for each twenty-five pupils in average daily attendance at all other isolated schools; provided, however, that one twenty-seventh of a classroom unit shall be included for each pupil in average daily at-

tendance at Lincoln Institute of such attendance is under provisions of a written contract between Lincoln Institute and the district of the pupil's legal residence.

(3) Allotments of classroom units in accordance with subsection (1) of this section shall be made on the average daily attendance for the previous school year; provided, however, that if the average daily attendance in any district for the first two months of the current school year is greater than the average daily attendance of the district for the first two months of the previous school year, upon application of the district board, made prior to December 1, the total number of classroom units allotted the district shall be increased by the percent of increase; and provided further, that if the average daily attendance of any district shall have been reduced more than three percent during the previous school year due to such factors as epidemics, inclement weather, or disaster, upon application of the district superintendent, made before July 1 of that year, the number of classroom units allotted the district for the ensuing school year shall be increased by the difference in percent between the ratio of the average daily attendance to the average daily membership for the scholastic year just ended, and the ratio of the average daily attendance to the average daily membership for the two highest of the three preceding scholastic years.

(4) In allotting classroom units for vocational education, one classroom unit shall be allotted for each full-time teacher, and a proportionate fraction of a classroom unit shall be allotted for each less than full-time teacher, of vocational classes that meet the regulations of the State Plan of Vocational Education as approved by the State Board of Education; a proportionate fraction of a classroom unit shall be allotted for each teacher employed to teach evening, part-time, or short unit classes for less than a school day or a school year, that meet the regulations of the State Plan of Vocational Education as approved by the State Board of Education.

(5) In allotting classroom units for special instructional services for exceptional children, one classroom unit shall be included for each teacher approved to teach such children in accordance with the provisions of law and regulations of the State Board of Education.

(6) In allotting classroom units for superintendents, principals, their certificated assistants, and special instructional service personnel, the total number of classroom units allotted in subsections (2) through (5) inclusive shall be divided by eight and the quotient shall be the number of classroom units allotted to the district for superintendents, principals, their certificated assistants and such special instructional service personnel as are authorized by regulations of the State Board of Education.

(7) In allotting classroom units for supervisors of instruction, one half of a classroom unit shall be allotted each district which is allotted twenty-five through forty-nine classroom units; one unit shall be allotted each district which is allotted fifty to one hundred classroom units; one unit shall be allotted for each one hundred classroom units, or major fraction thereof, in districts allotted more than one hundred classroom units.

(8) In allotting classroom units for directors of pupil personnel, who shall have the qualifications and duties prescribed by statute for attendance officers, one classroom unit shall be allotted each district which is allotted thirty-six to one hundred and sixty-six classroom units, and a unit for each additional two hundred and sixty-six classroom units. For districts having less than thirty-six classroom units, a proportionate fraction of a classroom unit shall be allotted.

(9) In allotting classroom units under subsection (1) through (8) the Superintendent of Public Instruction, under regulations of the State Board of Education, may allot units on the basis of an area larger than a district for educational services which cannot be adequately and economically provided on a district basis.

SECTION 7. (1) In determining the cost of the foundation program for each district, the Superintendent of Public Instruction shall allot to each district transportation units.

(2) One transportation unit shall be allotted for each eighty pupils in average daily attendance who are transported to school at public expense and who live one or more miles from school by the nearest traveled road; provided, that handicapped

children may be included who live less than this distance from school.

(3) One transportation unit shall be allotted for each fifty square miles served by school transportation facilities of the district if seventy-five percent or more of the total miles of bus routes of the district is hard-surfaced; one transportation unit for each forty-five square miles if between forty and seventy-four percent of the total miles of bus routes of the district is hard-surfaced; and one transportation unit for each forty square miles if less than forty percent of the total miles of bus routes of the district is hard-surfaced.

(4) Where more than one transportation system is required by law or regulations of the State Board of Education, additional transportation units shall be allotted on application of the district board.

(5) The Legislative Research Commission is hereby directed to conduct a study of pupil transportation in Kentucky and report its findings to the General Assembly on or before January 1, 1956.

SECTION 8. (1) On or before July 1 of each year the Department of Revenue shall determine the aggregate assessed value of all property subject to assessment for school tax purposes, and shall determine the percentage the equalized value of property in each district is of the total equalized value of all property in the Commonwealth subject to taxation for school purposes and shall certify such information to the Superintendent of Public Instruction for use in determining the required local tax effort for each district. If such assessment has not become final by July 1 of any year, the Department of Revenue shall, on the basis of other information as may be available, make an estimate of the assessment of all property subject to local school tax in each school district and the estimate shall be used in lieu of the aggregate assessed value.

(2) In determining the required local tax effort for districts which participate in the equalization account, including the capital outlay allotment, the Superintendent of Public Instruction shall divide the aggregate assessed value of all property in the Commonwealth subject to taxation for school purposes

by one hundred and multiply the quotient thereof by one dollar and ten cents. The product thereby obtained shall be multiplied by each district's percentage of the total equalized value of all property in the Commonwealth subject to taxation for school purposes. In determining the required local tax effort for districts which do not participate in the capital outlay allotment of the equalization account, the multiplier shall be one dollar.

(3) Any district's levy shall be at such rate as is necessary to provide the required local tax effort.

(4) A portion of funds received by any district from the federal government in lieu of taxation of property shall be added to the district's required local tax effort. The portion of such federal funds added to the district's required local tax effort shall be the percentage the required local tax effort is of the tota levy for school current expense purposes made in the district during that year.

SECTION 9. (1) The Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers in ranks as follows:

RANK I. Those holding regular certificates and who have a master's degree and who have earned twenty-four semester hours of approved graduate work beyond the master's degree;

RANK II. Those holding regular certificates and who have a master's degree or its equivalent or one year of approved graduate work beyond the bachelor's degree;

RANK III. Those holding regular certificates and who have an approved four-year college degree or the equivalent;

RANK IV. Those holding certificates based on ninety-seven to one hundred and twenty-eight semester hours of college training or the equivalent;

RANK V. Those holding certificates based on sixty-five to ninety-six semester hours of college training or the equivalent; provided, however, that persons holding emergency certificates shall not be classified higher than this rank;

RANK VI. Those holding certificates based on thirty-three to sixty-four semester hours of college training or the equivalent;

RANK VII. Those holding certificates or permits based on less than thirty-three semester hours of college training or the equivalent.

In determining rank equivalents, the Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers who hold certificates as of the date of this Act in the respective ranks according to earned semester hours of credit. The Superintendent of Public Instruction, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.

(2) The amount to be included in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following allotment schedule for each rank:

Rank I	$3,500
Rank II	3,200
Rank III	2,900
Rank IV	2,400
Rank V	2,100
Rank VI	1,800
Rank VII	1,500

provided the amount to be included for vocational units, supervisory units, and units for administrators, directors of pupil personnel and special instructional services shall be increased

proportionately if the personnel for such units are employed for longer than the regular school term and such employement is approved by the Superintendent of Public Instruction under regulations of the State Board of Education. Where the actual number of teachers employed by the district varies from the number allowed under the provisions of this Act, the number to be included in each rank shall be in the same ratio that the number of teachers actually in each rank is to the total number of teachers employed.

(3) The amount to be included in the foundation program for other current expenses shall be determined by multiplying the number of classroom units by six hundred dollars.

(4) The amount to be included in the foundation program for capital outlay shall be determined by multiplying the number of classroom units by four hundred dollars.

(5) The amount to be included in the foundation program for transportation shall be determined by multiplying the number of transportation units by sixteen hundred dollars.

(6) The total cost of the foundation program for each district shall be the sum of the allotments in subsections (2), (3), (4) and (5) above.

SECTION 10. (1) The amount of money distributable to each district from the equalization account shall be determined by subtracting the required local tax effort, any portion of federal funds required to be included, as set forth in Section 8 (5) of this Act, and the amount of funds from the per capita account to which each district is entitled, from the total foundation program allotment for the district as determined in Section 9.

(2) If a district fails for any reason to make the required local tax effort, as provided in Section 8, the amount of the apportionment of the equalization account to be paid to such district shall be reduced by the percentage of loss from the required local tax effort.

(3) So much of the equalization account which would not be distributed under subsection (1), due to the failure of one or more participating districts to meet the full requirements,

shall be held in the account for distribution the following year among districts which meet the requirements for participation.

SECTION 11. For each school year the Department of Finance, on the certification of the Superintendent of Public Instruction, shall draw warrants as specified hereinafter on the State Treasurer for the amount of the public school foundation program fund due each district. Checks shall be issued by the State Treasurer and transmitted to the Department of Education for distribution to the proper officials of the several school districts when the districts have fully complied with the school laws and rules and regulations of the State Board of Education. The Superintendent of Public Instruction shall determine on or before July 15 of each year the tentative allotment of school funds to which each district is entitled under the provisions of this Act. Beginning August 1 of each year and on the first of each month thereafter for seven successive months one-twelfth of each district's share of the public school foundation program fund shall be distributed. On or before March 1 of each year the Superintendent of Public Instruction shall determine the exact amount of the public school foundation program fund to which each district is entitled and the remainder of the amount due each district for the year shall be distributed in four equal installments beginning March 15 and for three successive months thereafter.

SECTION 12. Public school foundation program funds made available to the credit of each district during any year, together wit hthe funds required from local tax effort, shall be received, held and expended by the district board, subject to the proviisons of law and regulations of the State Board of Education. The following restrictions shall govern the expenditure of funds from the equalization account:

(1) Funds allotted each district for salaries of teachers shall be used only for teachers holding properly authorized certificates. The average salary paid any rank of teachers shall be at least equivalent to the equalization account allotment for that rank as established in section 9 (2) of this Act, and no teacher shall be paid less than ninety-percent of the equalization account allotment for that rank;

(2) The capital outlay allotment for each district from the equalizaiton account and from local sources shall be kept in a separate fund and may be used by the district only for capital outlay projects approved by the Superintendent of Public Instruction in accordance with requirements of law, and based on a survey made in accordance with rules and regulations prescribed by the State Board of Education. These funds shall be used for the following purposes:

(a) For direct payment of construction costs;

(b) For debt service on bonds issued subsequent to the passage of this Act;

(c) For payment on lease-rental agreements under which the board eventually will acquire ownership of a school plant;

(d) For debt service on bonds issued prior to the passage of this Act, if it has been determined by the survey that this district has met all of its major capital outlay needs:

(e) As a reserve fund for the above named purposes, to be carried forward in ensuing budgets, if not needed for the current year; provided, however, if any district has a special levy for capital outlay that is equal to the capital outlay allotment or a proportionate fraction thereof, and spends the proceeds of that levy for the above named purposes, the Superintendent of Public Instruction, under regulations of the State Board of Education, may authorize the district to use all or a proportionate fraction of its capital outlay allotment for current expenses.

SECTION 13. (1) If, when the apportionments are being determined under the provisions of this Act, funds appropriated by the General Assembly to the public school foundation program fund plus the funds required from local tax effort are insufficient to provide the amount of money required under Sestion 10 (1) the Superintendent of Public Instruction shall make a percentage reduction in the amount included for the foundation program in each district to the extent necessary to reduce the cost of the foundation program to funds available, provided that no district shall receive less than the amount provided for under Section 4 of this Act and provided that during fiscal years

1954-55 and 1955-56, no district which received equalization funds during 1953-54 fiscal year shall receive a smaller amount than the amount it would receive under Section 4 plus the amount of equalization funds it received during the 1953-54 fiscal year, unless the average daily attendance for the district is reduced from that of 1952-53 in which case the amount of equalization funds shall be reduced proportionately.

(2) Under the terms of subsection (1) of this section, the State Board of Education upon recommendation of the Superintendent of Public Instruction may waive any or all of the requirements contained in Section 5 (1) (a) and (b), Section 6 (3), and Section 12 (1) and (2) and that part of Section 6 (1) which provides that the number of classroom units allotted any district shall not exceed the number of teachers employed by the district.

(3) Whenever it shall become necessary to invoke subsection (2) of this section, each district affected shall submit to the Superintendent of Public Instruction for the approval of the State Board of Education a plan through which maximum use will be made of the funds apportioned to attain, in so far as possible, the objectives set forth in this foundation program act, provided that such plan does not result in the payment to any teacher of a salary less than the amount paid for the same proportionate time in 1953-54.

SECTION 14. In addition to the local tax effort required by Section 8, for participation in the equalization account of the public school foundation program fund, such districts or any other district may exceed this levy or the maximum levy provided by KRS 160.475 provided that, upon request of the board, the tax levying authority of the district shall adopt an ordinance or resolution submitting to the qualified voters of the district, in the manner of submitting and voting as prescribed in KRS 160.477 (1), the question as to whether a rate of more than one dollar and fifty cents or the required local tax effort, whichever rate is higher, shall be levied. If a majority of those voting on the question favor the increased rate, the tax levying authority shall, when the next tax rate for the district is fixed, levy the rate requested by the board not to exceed the rate authorized by the voters.

SECTION 15. Any person who willfully violates any of the provisions of this Act shall be fined not less than one hundred dollars nor more than five hundred dollars.

SECTION 16. (1) KRS 160.530 is hereby repealed and reenacted to read as follows: The money collected by taxation under the provisions of KRS 160.460 to 160.520 and other school money shall be expended by the board of education in accordance with the recommendations contained in the budget submitted to the tax levying authority.

(2) The following sections of the Kentucky Revised Statutes are hereby repealed: 157.020 KRS, 157.040 KRS, 157.050 KRS, 157.051 KRS, 157.052 KRS, 157.053 KRS, 157.054 KRS, 157.055 KRS, 157.070 KRS, 157.080 KRS, 157.090 KRS, 161.150 KRS, and all acts and parts of acts in conflict with this Act are hereby repealed.

SECTION 17. This Act shall take effect and become fully operative July 1, 1954.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 11, section 8 (4), line 35 by deleting therefrom the period following the word "year" and substituting in lieu thereof a semicolon and the following "provided, however, that any part of federal funds received by the district that is charged against the district in determining its allotment under public law 874 or similar laws shall not be added to the districts required local tax effort, and, provided further, that any funds received by any districts under KRS 96.895 shall not be added to the district's required local tax effort during the biennium 1954-1956."

Mr. Harris moved that the House do now concur in said amendment to H. B. No. 365.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
John L. Day
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Shelby McCallum
Damon Majors
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
LeRoy Saylor
Mrs. Thelma L. Stovall
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Paul E. Young

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Those who voted in the negative were—

Vernor O. Cottengim
James A. Dressman, Jr.

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of Chief Clerk a bill of the following title, viz:

H. B. No. 214. AN ACT relating to the liability of operators of automobile parking lots or automobile storage garages, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. It is declared that the operation of automobile parking lots or automobile storage garages, wherein automobiles are parked or stored for hire, is a business impressed with the public interest. It is further declared that any contract purporting to limit the liability of the operator of such a lot or garage, for loss of or damage to an automobile parked for hire, or its contents, except liability for damage by the elements or by physical forces beyond the control of the operator and his employes, is against public policy.

Sec. 2. Every operator of an automobile parking lot or automobile storage garage, wherein automobiles are stored or kept for hire, shall be obligated to safely keep and return such automobiles, and their contents, and shall be liable for any loss of or damage to such automobiles, and their contents, except damage by the elements or by physical forces beyond the control of the operator and his employes. The liability shall expressly include liability for theft, and for damage resulting from collision between automobiles on the lot or in the garage. No contract purporting to limit the liability shall be valid.

With Senate amendment by way of substitute attached thereto.

The House took up for consideration Senate amednment, which is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is declared that the operation of automobile parking lots or automobile storage garages, wherein automobiles are parked or stored for hire, is a business impressed with the public interest. It is further declared that any contract purporting to limit the liability of the operator of such a lot or garage, for loss of or damage to an automobile parked for hire, or its contents, except liability for damage by the elements or by physical forces beyond the control of the operator and his employees, is against public policy.

Section 2. Every parking lot or storage garage, wherein automobiles are stored or kept for hire, shall post clearly the hours during which said parking facility is open for business. It shall be the duty of every such operator of a parking lot or garage to keep an attendant on duty during the posted hours of operation of such parking facility, unless the entrance to said parking lot or garage is controlled by a mechanically operated gate, door or other entrance device which is operated by the customer or unless the parking lot is operated on an honor system which requires no attendant, or by a system of meters at each individual stall. This Section shall not apply to operators who lease a specific space to a customer for a period of a month or longer at a time.

Section 3. Every operator of an automobile parking lot or storage garage who takes possession of the customers automobile and requires keys to be left with the automobile or the employees of such parking lot or garage, shall be liable as bailee for hire and shall be obligated to safely keep and return such automobiles so parked or stored and shall be liable for any loss or damage to such automobiles except such as is caused by persons or forces beyond the control of the operator and his employees. The liability shall expressly include liability for theft, and for damage resulting from collision of any type on the lot or in the garage where the event is in the control of or should be in the control of the operator and his employees.

Section 4. The customer may contract to check personal articles, not properly the equipment of an automobile, by obtain-

ing an additional check for such articles. All parking lots and garages which park or store automobiles for hire and assume to act as bailees for said automobile shall post a sign of not less than 24 inches by 36 inches having bold lettering bearing the inscription "Responsible for Contents Only if Checked Separately." The sign shall be placed in a conspicuous place at or near the entrance of the parking lot or storage garage, at or near the eye level of a motorist seated in an automobile, and shall be well lighted at all times while the parking facility is opened for business.

Section 5. Any contract which purports to limit in any way the common law liability of the parking operator or his liability under this Act shall be totally void and of no effect.

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 214.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Leo A. Bleemel	John Young Brown
Walter J. Bailey	J. Murray Blue	Charles W. Buchanan
John Rhea Banton	J. C. Bradley	Harry M. Caudill
Clarence J. Barnum	Edward T. Breathitt, Jr.	William J. Conley
Owen Billington	Edward O. Bridgers	R. Josh Cosby

Vernor O. Cottengim	William L. Jones	Hobart Rayburn
James A. Dressman, Jr.	Talmage Lacy	Robert Reid
O. O. Duncan	James W. Lambert	Russell Reynolds
Harold Edmonds	Harry King Lowman	William A. Routh
Addison L. Everett	Damon Majors	Mrs. Thelma L. Stovall
Herbert Fern	William C. Mann	C. Waitman Taylor
Cabell D. Francis	George R. Martin	James Treadway
W. L. Hadden	Carl D. Melton	Eulick Walsh
C. Ruby Harralson	Alton B. Mitchell	Will Tom Wathen
George F. Harris	Robert K. Montgomery	W. W. Webster
Harold G. Helm	Walter R. Moorman	Morris Weintraub
Henry R. Heyburn	Goebel W. Newsom, Jr.	Hicks Wells
Lon C. Hill	Foster Ockerman	Mrs. Randolph Wilson
Estill R. Hilton	Louis T. Peniston	Walker H. Wiseman
Chester J. Holsclaw	Paul T. Ratcliffe	Paul E. Young
William M. Horn		

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Chief Clerk a bill of the following title, viz:

H. B. No. 345. AN ACT relating to terms of Court in the 38th Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (38) of 23.050 of the Kentucky Revised Statutes is amended to read as follows:

"The regular term of each Court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

Butler County, at Morgantown, on the first Monday in March, the first Monday in June and the first Monday in November, twelve juridical days each.

Edmonson County, at Brownsville, on the third Monday in March, the third Monday in June and the third Monday in November, twelve juridical days each.

Muhlenberg County, at Greenville, on the second Monday in January, the first Monday in April, the second Monday in July and the first Monday in October, eighteen juridical days each.

Ohio County, at Hartford, on the first Monday in February, the first Monday in May and the first Monday in September, eighteen juridical days each."

Section 2. This Act shall become effective on the fourth day of July, 1954.

With Senate amendments attached thereto, as follows, viz:

Amendment No. 1—On page 1, Title. Delete period and add the following at the end of the sentence: ", and declaring an emergency."

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 345.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—On page 1, section 1, line 7. Insert at beginning of line the symbols and figures: "(38)".

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 345.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 3—On page 2, section 2, lines 1 and 2. Delete everything after "Section 2." and substitute the following:

"WHEREAS, a proper integration of the new into the old

terms of Court in this calendar year requires the advancement of the effective date of this Act,

NOW, THEREFORE, an emergency is declared to exist, and after passage by the General Assembly and approval by the Governor, this Act shall become effective on the 4th day of April, 1954."

Mr. Lowman moved that the House do now concur in the said amendment to H. B. No. 345.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Young Brown	Herbert Fern
Walter J. Bailey	Charles W. Buchanan	Thomas P. Fitzpatrick
John Rhea Banton	Harry M. Caudill	Cabell D. Francis
Clarence J. Barnum	William J. Conley	W. L. Hadden
Owen Billington	R. Josh Cosby	C. Ruby Harralson
Leo A. Bleemel	Vernor O. Cottengim	George F. Harris
J. Murray Blue	James A. Dressman, Jr.	Harold G. Helm
J. C. Bradley	O. O. Duncan	Henry R. Heyburn
Edward T. Breathitt, Jr.	Harold Edmonds	Lon C. Hill
Edward O. Bridgers	Addison L. Everett	Estill R. Hilton
		Chester J. Holsclaw

William M. Horn	Walter R. Moorman	C. Waitman Taylor
William L. Jones	Goebel W. Newsom, Jr.	James Treadway
Talmage Lacy	Foster Ockerman	Eulick Walsh
James W. Lambert	Louis T. Peniston	Will Tom Wathen
Harry King Lowman	Paul T. Ratcliffe	W. W. Webster
Damon Majors	Hobart Rayburn	Morris Weintraub
William C. Mann	Robert Reid	Hicks Wells
George R. Martin	Russell Reynolds	Mrs. Randolph Wilson
Carl D. Melton	William A. Routh	Walker H. Wiseman
Alton B. Mitchell	Mrs. Thelma L. Stovall	Paul E. Young
Robert K. Montgomery		

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 173. AN ACT relating to county, quarterly and justices' courts, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 25.470 of the Kentucky Revised Statutes is amended to read as follows:

The judge of the quarterly court shall keep a record of all of his official acts out of term time, and shall keep a docket order book and execution book, and shall fix a rule day for the return of process, and he shall, upon the payment of fines and forfeitures into the quarterly court, prepare a receipt in triplicate such receipts to be prepared in numbered sequence for the full amount paid into his court in each case, giving the full name and post office address of the person paying the fine or forfeiture. One copy of the receipt shall be given to the

person paying the fine or forfeiture into court, one copy shall be retained by the judge to be filed with the circuit court when he reports the fines and forfeitures paid into his court, and the third copy mailed to the State Auditor. Each receipt in the receipt books shall be numbered consecutively and all must be accounted for. Record books as well as receipt books shall be paid for by the county.

Section 25.660 of the Kentucky Revised Statutes is amended to read as follows:

(1) Justices' courts are courts of record. Each justice shall keep an order book and an execution book, to be paid for by the county. He shall keep in it a full and fair record of his judicial proceedings, and sign it at the end of each term. The book shall be kept properly indexed. Each justice shall give to any person requesting it a certified copy of any record in his custody, and the copy shall be admissable in evidence.

(2) Each justice shall, upon the payment of fines and forfeitures into his court, prepare a receipt in duplicate for the full amount paid into his court in each case, giving the full name and post office address of the person paying the fine or forfeiture. One copy of the receipt shall be given to the person paying the fine or forfeiture, and the other copy shall be retained by the justice to be filed with the circuit court when he reports the fines and forfeitures paid into his court. Each receipt in the receipt books shall be numbered consecutively and all must be accounted for. The receipt books shall be paid for by the county.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Foster Ockerman
Walter J. Bailey	W. L. Hadden	Louis T. Peniston
John Rhea Banton	C. Ruby Harralson	Roger E. Qualls
Clarence J. Barnum	Harold G. Helm	Paul T. Ratcliffe
Wallace Bartley	Henry R. Heyburn	Jack Raybourne, Jr.
Owen Billington	Lon C. Hill	Hobart Rayburn
Leo A. Bleemel	Estill R. Hilton	Robert Reid
J. Murray Blue	Chester J. Holsclaw	Lloyd E. Rogers
J. C. Bradley	William M. Horn	William A. Routh
Edward O. Bridgers	Jennings H. Kearby	Cecil C. Sanders
Harry M. Caudill	Talmage Lacy	Mrs. Thelma L. Stovall
William J. Conley	James W. Lambert	C. Waitman Taylor
R. Josh Cosby	George H. Lovelace	James Treadway
Vernor O. Cottengim	Harry King Lowman	Eulick Walsh
W. Marvin Davis	Damon Majors	Will Tom Wathen
John L. Day	William C. Mann	W. W. Webster
James A. Dressman, Jr.	George R. Martin	Hicks Wells
O. O. Duncan	Carl D. Melton	Mrs. Randolph Wilson
Harold Edmonds	Alton B. Mitchell	T. D. Winstead
Addison L. Everett	Robert K. Montgomery	Walker H. Wiseman
Thomas P. Fitzpatrick	Walter R. Moorman	Paul E. Young
	Goebel W. Newsom, Jr.	—64

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 178. AN ACT relating to police courts, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (5) of section 26.530 of the Kentucky Revised Statutes is amended to read as follows:

(5) (a) All fines, forfeitures and costs recovered in any court, by prosecution originating in the poliec court of a city of the fifth or sixth class, in the name of or in favor of the state, shall be paid into the city treasury, and credited to the general revenue fund of the city, unless set apart by statute or ordinance for other purposes.

(b) It shall be the duty of each police judge, or his duly authorized representative, when fines and forfeitures are recovered in his court, to prepare a receipt in duplicate in each case for the full amount of fine or forfeiture, plus costs, paid into the court, giving the full name and post office address of the person paying such fine or forfeiture, a copy of which receipt shall be given to the person paying the fine or forfeiture, and the other copy of which shall be retained by the judge to be filed with the city treasurer. Each receipt in the receipt books is to be numbered consecutively and all must be accounted for. The receipt books shall be paid for by the city.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Foster Ockerman
Walter J. Bailey	W. L. Hadden	Louis T. Peniston
John Rhea Banton	C. Ruby Harralson	Roger E. Qualls
Clarence J. Barnum	Harold G. Helm	Paul T. Ratcliffe
Wallace Bartley	Henry R. Heyburn	Jack Raybourne, Jr.
Owen Billington	Lon C. Hill	Hobart Rayburn
Leo A. Bleemel	Estill R. Hilton	Robert Reid
J. Murray Blue	Chester J. Holsclaw	Lloyd E. Rogers
J. C. Bradley	William M. Horn	William A. Routh
Edward O. Bridgers	Jennings H. Kearby	Cecil C. Sanders
Harry M. Caudill	Talmage Lacy	Mrs. Thelma L. Stovall
William J. Conley	James W. Lambert	C. Waitman Taylor
R. Josh Cosby	George H. Lovelace	James Treadway
Vernor O. Cottengim	Harry King Lowman	Eulick Walsh
W. Marvin Davis	Damon Majors	Will Tom Wathen
John L. Day	William C. Mann	W. W. Webster
James A. Dressman, Jr.	George R. Martin	Hicks Wells
O. O. Duncan	Carl D. Melton	Mrs. Randolph Wilson
Harold Edmonds	Alton B. Mitchell	T. D. Winstead
Addison L. Everett	Robert K. Montgomery	Walker H. Wiseman
Thomas P. Fitzpatrick	Walter R. Moorman	Paul E. Young
	Goebel W. Newsom, Jr.	—64

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 49. AN ACT relating to judgment on two or more convictions and amending Section 288 of the Criminal Code of Practice.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 288 of the Criminal Code of Practice is amended to read as follows:

If the defendant be convicted of two or more offenses, the punishment of each of which is confinement, the court shall determine and so state in its judgment whether the sentences are to be served consecutively or concurrently. In the absence of a statement in a judgment as to whether such sentences are to be served consecutively or concurrently, it shall be presumed that they are to be served concurrently.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	Foster Ockerman
Walter J. Bailey	Addison L. Everett	Louis T. Peniston
John Rhea Banton	Cabell D. Francis	Paul T. Ratcliffe
Clarence J. Barnum	W. L. Hadden	Jack Raybourne, Jr.
Wallace Bartley	C. Ruby Harralson	Hobart Rayburn
Owen Billington	Harold G. Helm	Robert Reid
Leo A. Bleemel	Henry R. Heyburn	Russell Reynolds
J. Murray Blue	Lon C. Hill	Lloyd E. Rogers
J. C. Bradley	Estill R. Hilton	William A. Routh
Edward T. Breathitt, Jr.	Chester J. Holsclaw	Cecil C. Sanders
John Young Brown	William M. Horn	Mrs. Thelma L. Stovall
Harry M. Caudill	Jennings H. Kearby	C. Waitman Taylor
Cassius M. Clay	Talmage Lacy	James Treadway
William J. Conley	Harry King Lowman	Eulick Walsh
R. Josh Cosby	Damon Majors	Will Tom Wathen
Vernor O. Cottengim	George R. Martin	W. W. Webster
W. Marvin Davis	Carl D. Melton	Hicks Wells
C. E. Dowell	Alton B. Mitchell	Mrs. Randolph Wilson
James A. Dressman, Jr.	Robert K. Montgomery	T. D. Winstead
O. O. Duncan	Walter R. Moorman	Walker H. Wiseman
	Goebel W. Newsom, Jr.	Paul E. Young

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There voted in the negative—

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The Speaker, Mr. Burnley, resumed the chair.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 175. AN ACT relating to authorized investment of trust funds; providing for accounting for profits; providing for the ascertainment and apportionment of dividends among life tenants and remaindermen; amending Section 386.020 of the Kentucky Revised Statutes.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 386.020 Kentucky Revised Statutes is hereby amended and as amended reads:

(1) Any fiduciary holding funds for loan or investment may invest them in;

(a) Bonds or other interest-bearing obligations of the Federal Government;

(b) Bonds, state warrants and other interest-bearing obligations of this state;

(c) Securities authorized by the Federal Farm Loan Act (39 Stat. 360) as amended;

(d) Bonds and obligations of the Home Owners' Loan Corporation, Federal Farm Mortgage Corporation, or the Federal Intermediate Credit Bank;

(e) Notes and bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, obligations issued or insured by the Federal Housing Administrator, and securities issued by National Mortgage Associations;

(f) Obligations representing loans and advances of credit that are eligible for credit insurance by the Federal Housing Administrator, and the fiduciary may obtain such insurance;

(g) Loans, secured by real property or leasehold, that the Federal Housing Administrator insures or makes a commitment to insure, and the fiduciary may obtain such insurance;

(h) Real estate mortgage notes, bonds and other interest bearing or dividend-paying securities (including securities of any open-end or closed-end management type investment com-

pany or investment trust registered under the Federal Investment Company Act of 1940) which would be regarded by prudent businessmen as a safe investment.

(i) Real estate, after obtaining the approval of the county court for such investment; and

(j) Life insurance, endowment and annuity contracts issued by legal reserve companies authorized to do business in this state, after obtaining the approval of the county court for such investment. Said fiduciary may select any optional settlement provided in a policy maturing by death or as an endowment.

(2) Fiduciaries holding funds for loans or investment may make loans with the securities named in subsection (1) as collateral.

(3) The fiduciary shall account for all interest or profit received.

(4) All dividends on shares of a corporation forming a part of the principal of an estate or trust which are payable in shares of the same class of the corporation and which are payable at a rate of 10% or more of the corporation's outstanding shares of such class before such dividend, shall be deemed principal of the estate or trust, and all such dividends payable at a rate less than 10% of the corporation's outstanding shares of such class before such dividend, shall be deemed income of the estate or trust. Subject to the provisions of this section, all dividends payable otherwise than in the shares of the same class of the corporation itself, including ordinary and extraordinary dividends and dividends payable in shares or other securities or obligations of corporations other than the declaring corporation, shall be deemed income. Where the trustee shall have the option of receiving a dividend either in cash or in the shares of the declaring corporation, it shall be considered as a cash dividend and deemed income, irrespective of the choice made by the trustee.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Thomas P. Fitzpatrick	Foster Ockerman
Walter J. Bailey	Cabell D. Francis	Louis T. Peniston
John Rhea Banton	W. L. Hadden	Paul T. Ratcliffe
Clarence J. Barnum	C. Ruby Harralson	Hobart Rayburn
Owen Billington	Harold G. Helm	Robert Reid
Leo A. Bleemel	Henry R. Heyburn	Russell Reynolds
J. Murray Blue	Lon C. Hill	Lloyd E. Rogers
Edward T. Breathitt, Jr.	Estill R. Hilton	Cecil C. Sanders
Edward O. Bridgers	Chester J. Holsclaw	Mrs. Thelma L. Stovall
John Young Brown	William M. Horn	C. Waitman Taylor
Harry M. Caudill	Talmage Lacy	James Treadway
William J. Conley	Harry King Lowman	Eulick Walsh
R. Josh Cosby	George R. Martin	Will Tom Wathen
Vernor O. Cottengim	Carl D. Melton	W. W. Webster
W. Marvin Davis	Alton B. Mitchell	Hicks Wells
Albert Dempsey	Robert K. Montgomery	Mrs. Randolph Wilson
James A. Dressman, Jr.	Walter R. Moorman	T. D. Winstead
Harold Edmonds	Goebel W. Newsom, Jr.	Walker H. Wiseman
Addison L. Everett		Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the hands of the Chief Clerk a resolution of the following title, viz:

H. Res. No. 40. A JOINT RESOLUTION authorizing Burton McGee, the father and next friend of Stephen Edward McGee, a minor, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Burton McGee, father and next friend of Stephen Edward McGee, a minor, be and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate said Stephen Edward McGee for the injuries and damages, if any, sustained by him as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, their agents and employes, in maintaining the right of way of U. S. Highway 23 in Lawrence County, Kentucky.

Section 2. The suit shall be for a sum not in excess of $50,300.

Section 3. That the action herein authorized and permitted may be brought in the Lawrence Circuit Court, same being the Circuit Court having jurisdiction in Lawrence County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this Resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from

any judgment which may be entered by the Lawrence Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Sec. 5. No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 2, section 2, line 2 strike out the figures "$50,300" and insert in lieu thereof the figure "$10,000"

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 40.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said resolution be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	Walter R. Moorman
John Rhea Banton	Addison L. Everett	Eddie J. Morris
Clarence J. Barnum	Herbert Fern	Goebel W. Newsom, Jr.
Owen Billington	Cabell D. Francis	Foster Ockerman
Leo A. Bleemel	W. L. Hadden	Louis T. Peniston
J. Murray Blue	C. Ruby Harralson	Paul T. Ratcliffe
J. C. Bradley	Harold G. Helm	Hobart Rayburn
Edward T. Breathitt, Jr.	Henry R. Heyburn	Robert Reid
Edward O. Bridgers	Lon C. Hill	Russell Reynolds
John Young Brown	Estill R. Hilton	Lloyd E. Rogers
Charles W. Buchanan	Chester J. Holsclaw	William A. Routh
Harry M. Caudill	William M. Horn	W. R. Smith
William J. Conley	Jennings H. Kearby	Mrs. Thelma L. Stovall
R. Josh Cosby	Talmage Lacy	C. Waitman Taylor
Vernor O. Cottengim	James W. Lambert	James Treadway
Charles W. Craig	Harry King Lowman	Eulick Walsh
W. Marvin Davis	Shelby McCallum	Will Tom Wathen
Albert Dempsey	Damon Majors	W. W. Webster
C. E. Dowell	William J. Marcum	Hicks Wells
James A. Dressman, Jr.	George R. Martin	Walker H. Wiseman
O. O. Duncan	Carl D. Melton	Paul E. Young
	Alton B. Mitchell	
	Robert K. Montgomery	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Chief Clerk a resolution of the following title, viz:

H. Res. No. 71. A JOINT RESOLUTION authorizing

Henry H. Meadows, of Boone County, to sue the Commonwealth of Kentucky and the Department of Highways thereof, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Henry H. Meadows be and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate him for the injuries and damages, if any, sustained by him as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, their agents, officers and employes, in maintaining the bridge which spans Allen's Fork of Woolper Creek near Burlington, Kentucky on Kentucky State Highway Number 18.

Section 2. Said suit shall be for a sum not in excess of $30,000.00.

Section 3. That the action herein authorized and permitted may be brought in the Boone Circuit Court, same being the Circuit Court having jurisdiction in Boone County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Boone Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall

not be introduced as evidence, nor commented upon by counsel in argument to the jury.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 2, section 2, line 2 strike the figure "$30,000" and insert in lieu thereof the figure "$10,000

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 71.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said resolution be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles W. Buchanan	O. O. Duncan
John Rhea Banton	Harry M. Caudill	Harold Edmonds
Clarence J. Barnum	William J. Conley	Addison L. Everett
Owen Billington	R. Josh Cosby	Herbert Fern
Leo A. Bleemel	Vernor O. Cottengim	Cabell D. Francis
J. Murray Blue	Charles W. Craig	W. L. Hadden
J. C. Bradley	W. Marvin Davis	C. Ruby Harralson
Edward T. Breathitt, Jr.	Albert Dempsey	Harold G. Helm
Edward O. Bridgers	C. E. Dowell	Henry R. Heyburn
John Young Brown	James A. Dressman, Jr.	Lon C. Hill
		Estill R. Hilton
		Chester J. Holsclaw

William M. Horn	Walter R. Moorman	William A. Routh
Jennings H. Kearby	Eddie J. Morris	W. R. Smith
Talmage Lacy	Goebel W. Newsom, Jr.	Mrs. Thelma L. Stovall
James W. Lambert	Foster Ockerman	C. Waitman Taylor
Harry King Lowman	Louis T. Peniston	James Treadway
Shelby McCallum	Paul T. Ratcliffe	Eulick Walsh
Damon Majors	Hobart Rayburn	Will Tom Wathen
William J. Marcum	Robert Reid	W. W. Webster
George R. Martin	Russell Reynolds	Hicks Wells
Carl D. Melton	Lloyd E. Rogers	Walker H. Wiseman
Alton B. Mitchell		Paul E. Young
Robert K. Montgomery		

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resalution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Chief Clerk a resolution of the following title, viz:

H. Res. No. 91. A JOINT RESOLUTION providing for the payment of compensation for services rendered and expenses incurred in connection with and related to the present session of the General Assembly; etc.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is appropriated out of the Legislative Session Fund a sufficient sum of money to enable the payment of compensation, at the rate of three dollars per day each, during the period of the present session of the General Assembly, to William L. Davis, Fred Burke, Eugene Calvert, Palmer Henderson, Edward Quire, Kelly Gilbert, William Gossett, Haskell Harrod, William Mann, Jessie Stockton, George Suter, James

Weber, Russell Wilson, Ike Yett, Sam Penn, John E. Polsgrove, A. J. Shramm, for extra services performed overtime actually worked, in the operation and maintenance of the State Capitol and its various faciilties, which extra services and extra hours were made necessary by reason of attendance upon the members of the General Assembly at both the day and night sessions and committee meetings thereof, and at other times.

Section 2. The Chief Clerk of the House of Representatives shall requisition, and the Commissioner of Finance shall draw his warrant upon the State Treasurer in favor of said Chief Clerk for the sum hereby appropriated. The Chief Clerk shall forthwith distribute said sum in the manner contemplated by this Resolution.

Section 3. WHEREAS, the General Assembly will within a short time adjourn and the officers and employes will depart for various sections of the state, an emergency is declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 2, section 1, line 9 by adding after the name "Schramm," the following: "Virginia Clift, Charles Wheeler, Dee Akers, Herbert Liebman, George Triplett, Ollie Jackson, Eleanor Weathers, Gayle Givens and Eva Jarvis"

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 91.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—On page 2, section 1, line 11 by adding after the comma following the word "facilities" the following: "and in the preparation of legislation or amendments thereto and in the daily preparation of the Legislative Record,"

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 91.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said resolution be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	Walter R. Moorman
John Rhea Banton	Addison L. Everett	Eddie J. Morris
Clarence J. Barnum	Herbert Fern	Goebel W. Newsom, Jr.
Owen Billington	Cabell D. Francis	Foster Ockerman
Leo A. Bleemel	W. L. Hadden	Louis T. Peniston
J. Murray Blue	C. Ruby Harralson	Paul T. Ratcliffe
J. C. Bradley	Harold G. Helm	Hobart Rayburn
Edward T. Breathitt, Jr.	Henry R. Heyburn	Robert Reid
Edward O. Bridgers	Lon C. Hill	Russell Reynolds
John Young Brown	Estill R. Hilton	Lloyd E. Rogers
Charles W. Buchanan	Chester J. Holsclaw	William A. Routh
Harry M. Caudill	William M. Horn	W. R. Smith
William J. Conley	Jennings H. Kearby	Mrs. Thelma L. Stovall
R. Josh Cosby	Talmage Lacy	C. Waitman Taylor
Vernor O. Cottengim	James W. Lambert	James Treadway
Charles W. Craig	Harry King Lowman	Eulick Walsh
W. Marvin Davis	Shelby McCallum	Will Tom Wathen
Albert Dempsey	Damon Majors	W. W. Webster
C. E. Dowell	William J. Marcum	Hicks Wells
James A. Dressman, Jr.	George R. Martin	Walker H. Wiseman
O. O. Duncan	Carl D. Melton	Paul E. Young
	Alton B. Mitchell	
	Robert K. Montgomery	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Chief Clerk a resolution of the following title, viz:

H. Res. No. 92. A JOINT RESOLUTION providing for the payment of compensation for the benefit of officers and employes of the Senate, the House of Representatives, etc.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is hereby appropriated from the Legislative Session Fund additional allowances to cover necessary expenses for the following employees and officers of the Senate and House of Representatives, viz: Enrolling Clerk, Sergeant-at-Arms, Doorkeepers, Cloakroom Keepers, Janitors and Pages, to that compensation provided in KRS 6.230, the sum of Twenty-one thousand seven hundred and fifty-six dollars.

Section 2. That the Chief Clerk of the Senate shall requisition and the Commissioner of Finance shall draw a warrant for the sum of nine thousand five hundred and forty-six dollars on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the Senate. Such Chief Clerk shall forthwith distribute such expense allowances on the baiss of the number of days that such employes and officers served during the regular session of the General Assembly in the year 1954, the rate per day being computed by said Chief Clerk and the Committee on Committees of the Senate on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

Section 3. The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall draw

a warrant for the sum of twelve thousand two hundred and ten dollars on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the House of Representatives. Such Chief Clerk shall forthwith distribute to the employes and officers of the House of Representatives such expense allowances on the basis of the number of days that such employes and officers served during the regular session of the General Assembly in 1954, the rate per day to be computed by the said Chief Clerk and the Committee on Committees of the House of Representatives on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

Section 4. There is appropriated out of the General Expenditure Fund a sufficient sum of money to enable the payment of compensation, at the rate of three dollars per day each, during the period of the present session of the General Assembly, to Dee Akers, Herbert Liebman, George Triplett, Ollie Jackson, Eleanor Weathers, Gayle Givens and Eva Jarvis for extra services performed, overtime actually worked, which extra services and extra hours were made necessary by reason of attendance upon the members of the General Assembly at both the day and night sessions, and at other times.

Section 5. The Chief Clerk of the House of Representatives shall requisition, and the Commissioner of Finance shall draw his warrant upon the State Treasurer in favor of said Chief Clerk for the sum hereby appropriated. The Chief Clerk shall forthwith distribute said sum in the manner contemplated by this Resolution.

Section 6. All Acts or parts of Acts in conflict herewith to the extent of such conflict are hereby repealed.

Section 7. WHEREAS, the General Assembly will within a short time adjourn and the employes and officers will depart for various sections of the state, an emergency is hereby declared to exist, and this resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 1, section 1, line 7. By striking therefrom the words "Twenty-Seven Thousand Seven Hun-

dred and Fifty-Six Dollars," and inserting in lieu thereof the following: "Twenty-Eight Thousand, Five Hundred and Sixty-Four Dollars ($28,564.00)",

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 92.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—On page 2, section 2, line 3 by striking out the words "nine thousand five hundred and forty-six dollars" and inserting in lieu thereof the following: "thirteen thousand six hundred and sixteen dollars ($13,616)"

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 92.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 3—On page 2, section 3, lines 3 and 4 by striking out the words "twelve thousand two hundred and ten dollars" and inserting in lieu thereof the following "fourteen thousand nine hundred and forty-eight dollars ($14,948)"

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 92.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 4—Amend House Resolution No. 92 by striking all of Section 4 on lines 1 to 6 inclusive on page 2 of the printed bill and on lines 7 through 10 on page 3 of the printed bill and by striking all of Section 5 on page 3 of the printed bill the same being all of lines 1 through 6 on said page 3.

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 92.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to

the reading at length of said resolution be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Damon Majors
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Walker H. Wiseman
Paul E. Young

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Resolved that the title thereof be amended as follows:

Amendment No. 5—Amend the title to House Resolution No. 92 by striking said title in its entirety and inserting in lieu thereof the following:

"A JOINT RESOLUTION providing for the payment of compensation for the benefit of officers and employees of the Senate and the House of Representatives for services rendered in connection with and related to the present session of the General Assembly, and declaring an emergency."

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 92.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 17. A JOINT RESOLUTION authorizing Margaret Ann Minix as Administratrix of the Estate of W. T. Stafford, Sr., to sue the Commonwealth of Kentucky.

Said Resolution is as follows, Viz:

BE IT RESOLVED by the General Assembly of the Commonwealth of Kentucky, that Margaret Ann Minix as Administratrix of the Estate of W. T. Stafford, Sr., be and she is hereby authorized to sue the Commonwealth of Kentucky in the Lawrence Circuit Court for damages resulting from the death of W. T. Stafford, Sr., on September 7, 1953, caused by the falling of rock, dirt and other debris against an automobile driven by Mitchell Preston and in which the said W. T. Stafford, Sr., was a passenger or a guest, on U. S. Highway No. 23, about one-half mile South of Shannons Branch, in Lawrence County, Kentucky,

and caused as the said Administratrix contends by the alleged negligence and carelessness of the Department of Highways of the Commonwealth of Kentucky, its agents, servants and employees in failing to keep said highway in a proper condition for the traveling public.

Said suit shall be for a sum not in excess of Ten Thousand Dollars ($10,000.00).

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth and settle it before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Road Fund upon a warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the cir cuit court either party may appeal to the Court of Appeals o Kentucky.

No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this Resolution shall not be introduced as evidence nor commented upon by counsel in the argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with,

said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	Walter R. Moorman
John Rhea Banton	Addison L. Everett	Eddie J. Morris
Clarence J. Barnum	Herbert Fern	Goebel W. Newsom, Jr.
Owen Billington	Cabell D. Francis	Foster Ockerman
Leo A. Bleemel	W. L. Hadden	Louis T. Peniston
J. Murray Blue	C. Ruby Harralson	Paul T. Ratcliffe
J. C. Bradley	Harold G. Helm	Hobart Rayburn
Edward T. Breathitt, Jr.	Henry R. Heyburn	Robert Reid
Edward O. Bridgers	Lon C. Hill	Russell Reynolds
John Young Brown	Estill R. Hilton	Lloyd E. Rogers
Charles W. Buchanan	Chester J. Holsclaw	William A. Routh
Harry M. Caudill	William M. Horn	W. R. Smith
William J. Conley	Jennings H. Kearby	Mrs. Thelma L. Stovall
R. Josh Cosby	Talmage Lacy	C. Waitman Taylor
Vernor O. Cottengim	James W. Lambert	James Treadway
Charles W. Craig	Harry King Lowman	Eulick Walsh
W. Marvin Davis	Shelby McCallum	Will Tom Wathen
Albert Dempsey	Damon Majors	W. W. Webster
C. E. Dowell	William J. Marcum	Hicks Wells
James A. Dressman, Jr.	George R. Martin	Walker H. Wiseman
O. O. Duncan	Carl D. Melton	Paul E. Young
	Alton B. Mitchell	
	Robert K. Montgomery	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 18. A JOINT RESOLUTION authorizing the personal representative of the estate of Glinnis Louise Ezell, deceased, etc.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the personal representative of the estate of Glinnis Louise Ezell, deceased, William Ezell, Mary Skinner, and the statutory guardian of Barbara Skinner, an infant, be and they are hereby authorized, permitted and empowered to sue the Department of Kentucky State Police and the Commonwealth of Kentucky, or either, in such sum as will fairly and reasonably compensate the estate of Glinnis Louise Ezell, deceased, William Ezell, Mary Skiner, and the statutory guardian of Barbara Skinner, an infant, for the injuries and damages, if any, sustained by said estate and said persons as a direct and proximate result of the negligence, if any, of the Department of Kentucky State Police and the Commonwealth of Kentucky, and their agents or employes.

Section 2. Said suit by the personal representative of Glinnis Louise Ezell, deceased, shall be for a sum not in excess of ten thousand dollars. Said suit on behalf of William Ezell shall be for a sum not in excess of fifteen thousand dollars. Said suit on behalf of Mary Skinner shall be for a sum not in excess of sixteen thousand five hundred dollars. Said suit in behalf of the statutory guardian of Barbara Skinner, an infant, shall be for a sum not in excess of six thousand dollars.

Section 3. That the action herein authorized and permitted may be brought in the Hopkins Circuit Court, same being the Circuit Court having jurisdiction in Hopkins County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from

any judgment which may be entered by the Hopkins Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the Road Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence on the part of the Department of Kentucky State Police or the Commonwealth of Kentucky, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in the argument to the jury.

Section 6. That whereas it appears to be in the interest of the Commonwealth that other defendants be named co-defendants in the suits authorized hereby and that the statutory period of limitations as to such other defendant or defendants will shortly expire, an emergency is hereby declared to exist and this resolution shall become effective from and after its passage and approval by the governor.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with,

said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	Walter R. Moorman
John Rhea Banton	Addison L. Everett	Eddie J. Morris
Clarence J. Barnum	Herbert Fern	Goebel W. Newsom, Jr.
Owen Billington	Cabell D. Francis	Foster Ockerman
Leo A. Bleemel	W. L. Hadden	Louis T. Peniston
J. Murray Blue	C. Ruby Harralson	Paul T. Ratcliffe
J. C. Bradley	Harold G. Helm	Hobart Rayburn
Edward T. Breathitt, Jr.	Henry R. Heyburn	Robert Reid
Edward O. Bridgers	Lon C. Hill	Russell Reynolds
John Young Brown	Estill R. Hilton	Lloyd E. Rogers
Charles W. Buchanan	Chester J. Holsclaw	William A. Routh
Harry M. Caudill	William M. Horn	W. R. Smith
William J. Conley	Jennings H. Kearby	Mrs. Thelma L. Stovall
R. Josh Cosby	Talmage Lacy	C. Waitman Taylor
Vernor O. Cottengim	James W. Lambert	James Treadway
Charles W. Craig	Harry King Lowman	Eulick Walsh
W. Marvin Davis	Shelby McCallum	Will Tom Wathen
Albert Dempsey	Damon Majors	W. W. Webster
C. E. Dowell	William J. Marcum	Hicks Wells
James A. Dressman, Jr.	George R. Martin	Walker H. Wiseman
O. O. Duncan	Carl D. Melton	Paul E. Young
	Alton B. Mitchell	
	Robert K. Montgomery	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 22. A RESOLUTION authorizing Nannie Mae Kelly and her husband, Herbert Kelly, to sue the Commonwealth, etc.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Margaret Ann Minix, administratrix of the estate of W. T. Stafford, Sr., deceased, is authorized to sue the Commonwealth of Kentucky and the Department of Highways thereof, or either, in the Lawrence Circuit Court, for damages and medical expenses, if any, sustained by said estate by the alleged negligence of the Department of Highways, by and through its officers, agents and employes acting or failing to act in the line of their duties.

Section 2. The suit shall be for a sum not in excess of fifty thousand dollars.

Section 3. The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Albert Dempsey	Harry King Lowman
John Rhea Banton	C. E. Dowell	Shelby McCallum
Clarence J. Barnum	James A. Dressman, Jr.	Damon Majors
Owen Billington	O. O. Duncan	William J. Marcum
Leo A. Bleemel	Harold Edmonds	George R. Martin
J. Murray Blue	Addison L. Everett	Carl D. Melton
J. C. Bradley	Herbert Fern	Alton B. Mitchell
Edward T. Breathitt, Jr.	Cabell D. Francis	Robert K. Montgomery
Edward O. Bridgers	W. L. Hadden	Walter R. Moorman
John Young Brown	C. Ruby Harralson	Eddie J. Morris
Charles W. Buchanan	Harold G. Helm	Goebel W. Newsom, Jr.
Harry M. Caudill	Henry R. Heyburn	Foster Ockerman
William J. Conley	Lon C. Hill	Louis T. Peniston
R. Josh Cosby	Estill R. Hilton	Paul T. Ratcliffe
Vernor O. Cottengim	Chester J. Holsclaw	Hobart Rayburn
Charles W. Craig	William M. Horn	Robert Reid
W. Marvin Davis	Jennings H. Kearby	Russell Reynolds
	Talmage Lacy	Lloyd E. Rogers
	James W. Lambert	

William A. Routh	C. Waitman Taylor	W. W. Webster
W. R. Smith	James Treadway	Hicks Wells
Mrs. Thelma L. Stovall	Eulick Walsh	Walker H. Wiseman
	Will Tom Wathen	Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 23. A JOINT RESOLUTION authorizing Carl William Riedling, a resident of Eddyville, Lyon County, Kentucky, to sue the Commonwealth of Kentucky, etc.

Said Resolution is as follows, Viz:

WHEREAS, the Commonwealth of Kentucky, through the Department of Welfare, maintains, operates and controls the Kentucky State Penitentiary at Eddyville, Kentucky, one of its purposes being for the confinement and guarding of prisoners of the Commonwealth of Kentucky, and

WHEREAS on May 5, 1948 Carl William Riedling became an employee of the Commonwealth of Kentucky as a guard at the Kentucky State Penitentiary at Eddyville, Kentucky, and

WHEREAS the said Carl William Riedling on July 26, 1950, while regularly engaged in his duties as a guard of the prisoners at the Kentucky State Penitentiary at Eddyville, and while he was assigned to his guard post in the wall tower of the Penitentiary, was violently attacked and injured by a number of prisoners who were attempting at the time to escape from the said Penitentiary as hereinafter stated:

On said date of July 26, 1950, the said Carl William Riedling noticed that a group of prisoners was attempting to escape. He raised his firearm to fire at the escaping prisoners. While the

said Carl William Riedling was firing a shot at the prisoners, several of them threw incendiary bombs at him which bombs had been crudely made within the Penitentiary. As a result of these bombs being thrown at the said Carl William Riedling, his body and clothing burst into flames as well as did the objects within the wall tower guard post. Notwithstanding the fact that the said Carl William Riedling was in flames, he continued to fire his revolver at the escaping prisoners. At the same time his clothes, skin and hair were on fire and the heat in the wall tower was unbearable. By firing at the escaping prisoners the said Carl William Riedling stopped their escape. After having stopped the escape of the prisoners, the said Carl William Riedling patted out the fire about his face and body, and climbed outside the prison wall and took cover behind a tree for the purpose of stopping any escaping prisoners who came over the wall, the said Carl William Riedling having his revolver with him at the time and ready to fire at the prisoners, all this notwithstanding the great injury he had received as a result of his burns.

As a result of the aforesaid attack upon him, Carl William Riedling received severe burns about his face and body which permanently scarred and disfigured him, and he suffered great pain and mental anguish as a result of the aforesaid burns. He further suffered large damages in losing much time at his work and in being caused to incur large medical and hospitalization expenses, having been confined to the hospital for a period of approximately 62 days as a result of his aforesaid injuries.

WHEREAS the said Carl William Riedling was not furnished any hospitalization by the Commonwealth of Kentucky or any of its agencies, or any other compensation by the Commonwealth of Kentucky or any of its agencies, for any of his damages suffered as aforesaid, and

WHEREAS the Commonwealth of Kentucky does not have any Workmen's Compensation from which the said Carl William Riedling may receive benefits, and he has not been paid anything for the loss of his wages or permanent disfigurement, and

WHEREAS great damages have resulted to him and to his family all of which was brought about as a result of injuries

which he sustained in rendering heroic and public service to the Commonwealth of Kentucky as its employee, and

WHEREAS his injuries and damages are in an amount greater than $5,000.00 and therefore his claim is not one that can be adequately brought before the Board of Claims as provided in KRS 44.070, and

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Carl William Riedling of Eddyville, Lyon County, Kentucky, be and is hereby authorized and permitted to sue the Commonwealth of Kentucky, the Department of Welfare and the Kentucky State Penitentiary at Eddyville, or any one or more of them, in the circuit court of Lyon County or Franklin County for such damages as he suffered and sustained as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky, the Department of Welfare, the Kentucky State Penitentiary at Eddyville through their agents and employees.

Section 2. The suit of the said Carl William Riedling shall be for an amount not exceeding $8,500.00.

Section 3. The Attorney General is hereby authorized to compromise or settle this claim on behalf of the Commonwealth of Kentucky, and any settlement which may be so effected or any judgment that may be recovered against the Commonwealth of Kentucky or its agencies, shall be paid by the Department of Finance by a warrant drawn on the State Treasury and paid out of the general fund.

Section 4. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. The statute of limitations shall not begin to run in favor of the Commonwealth until this act becomes effective.

Section 6. No statement in this resolution shall be considered by either the court or a jury as an admission of negligence upon the part of the Commonwealth, and this resolution

shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harry M. Caudill	Cabell D. Francis
John Rhea Banton	William J. Conley	W. L. Hadden
Clarence J. Barnum	R. Josh Cosby	C. Ruby Harralson
Owen Billington	Vernor O. Cottengim	Harold G. Helm
Leo A. Bleemel	Charles W. Craig	Henry R. Heyburn
J. Murray Blue	W. Marvin Davis	Lon C. Hill
J. C. Bradley	Albert Dempsey	Estill R. Hilton
Edward T. Breathitt, Jr.	C. E. Dowell	Chester J. Holsclaw
Edward O. Bridgers	James A. Dressman, Jr.	William M. Horn
John Young Brown	O. O. Duncan	Jennings H. Kearby
Charles W. Buchanan	Harold Edmonds	Talmage Lacy
	Addison L. Everett	James W. Lambert
	Herbert Fern	Harry King Lowman
		Shelby McCallum

Damon Majors	Foster Ockerman	Mrs. Thelma L. Stovall
William J. Marcum	Louis T. Peniston	C. Waitman Taylor
George R. Martin	Paul T. Ratcliffe	James Treadway
Carl D. Melton	Hobart Rayburn	Eulick Walsh
Alton B. Mitchell	Robert Reid	Will Tom Wathen
Robert K. Montgomery	Russell Reynolds	W. W. Webster
Walter R. Moorman	Lloyd E. Rogers	Hicks Wells
Eddie J. Morris	William A. Routh	Walker H. Wiseman
Goebel W. Newsom, Jr.	W. R. Smith	Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 29. A JOINT RESOLUTION authorizing Thomas Milton Durham, an Infant, by his father and next friend, W. W. Durham, or his successor as next friend or guardian, to sue the Commonwealth of Kentucky, etc.

Said Resolution is as follows, Viz:

WHEREAS, Thomas Milton Durham and W. W. Durham, his father and next friend, claim that on the 17th day of March, 1948, on Spalding Avenue, in the City of Lebanon, Marion County, Kentucky, between High Street and St. Rose Pike, in said City, a car owned by the Department of Highways of the Commonwealth of Kentucky, which at that time was driven by an employee of said department, ran against Thomas Milton Durham, an infant then four years of age, and

WHEREAS, Thomas Milton Durham and W. W. Durham, his father and next friend, claim that said collision was the direct and proximate result of carelessness and negligence on the part of the driver of said automobile, who at the time was the em-

ployee of the Department of Highways of the Commonwealth of Kentucky, and that at the time of said collision the driver of such automobile was in the line of his duty as such an employee, and

WHEREAS, said Thomas Milton Durham and W. W. Durham have sustained severe injuries and damages as the direct and proximate result of such collision,

NOW, in order that they may determine their rights by judicial action and the question of negligence, if any, causing such injury to each of them may be determined by judicial action,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) That Thomas Milton Durham, an infant, by W. W. Durham, his father and next friend, or his successor as next friend or guardian, hereby are authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, either or both, in the Marion Circuit Court, for damages resulting from personal injuries and property damage, either or both, caused by alleged negligence on the part of the employee of the Department of Highways of the Commonwealth of Kentucky while said employee was in the line of duty as such employee, and for the purpose of determining the liability of the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, for such injuries and damage, if any, thereby arising from the above-stated facts. The limit of liability shall be Fifteen Thousand ($15,000.00) Dollars to Thomas Milton Durham, through his next friend and/or guardian.

(2) The Attorney General of the Commonwealth of Kentucky may investigate the claims against the Commonwealth herein and settle such claims, or either of them, before or after suit is filed, if he deems it advisable. Any amount or amounts recovered in said suits or suits, after judgment or agreed upon in settlement by the Attorney General, shall be paid out of the Road Fund upon a warrant or warrants drawn by the Commissioner of Finance upon the State Treasurer.

(3) If the above said parties, or either of them, file a suit or suits and a judgment or judgments are rendered in such suit or suits, either party or parties may appeal to the Court of Appeals

of Kentucky, as in other civil cases. No plea of limitation shall be interposed with reference to either suit.

(4) No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and/or the Department of Highways of Kentucky, and this Resolution shall not be introduced as evidence or commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward T. Breathitt, Jr.	R. Josh Cosby
John Rhea Banton	Edward O. Bridgers	Vernor O. Cottengim
Clarence J. Barnum	John Young Brown	Charles W. Craig
Owen Billington	Charles W. Buchanan	W. Marvin Davis
Leo A. Bleemel	Harry M. Caudill	Albert Dempsey
J. Murray Blue	William J. Conley	C. E. Dowell
J. C. Bradley		James A. Dressman, Jr.

O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Damon Majors
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Walker H. Wiseman
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the hands of the Chief Clerk a resolution of the following title, viz:

H. Res. No. 63. A JOINT RESOLUTION authorizing Pearl Troxel of Jefferson County to sue the Commonwealth of Kentucky, etc.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Pearl Troxel be and she is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Mental Health thereof, either or both of them, in such sum as will fairly and reasonably compensate her for the injuries and damages, if any, sustained by

her as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Mental Health thereof, their agents, officers and employes, in carrying out their duties at Central State Hospital in Jefferson County, Kentucky.

Section 2. Said suit shall be for a sum not in excess of twenty-five thousand dollars.

Section 3. That the action hereby authorized may be brought in the name of the committee appointed for Pearl Troxel if her condition necessitates appointment of such committee prior to institution of the action hereby authorized.

Section 4. That the action herein authorized and permitted may be brought in the Jefferson Circuit Court, same being the circuit court having jurisdiction in Jefferson County, Kentucky, the county in which the injuries and damages were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 5. That any party to said action may appeal from any judgment which may be entered by the Jefferson Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same manner as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 6. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 2, section 2, line 2 strike out the word "twenty-five" and insert in lieu thereof the word "ten"

Mr. Lowman moved that the House do now concur in said amendmet to H. Res. No. 63.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said resolution be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Damon Majors
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Hobart Rayburn

Robert Reid	Mrs. Thelma L. Stovall	Will Tom Wathen
Russell Reynolds	C. Waitman Taylor	W. W. Webster
Lloyd E. Rogers	James Treadway	Hicks Wells
William A. Routh	Eulick Walsh	Walker H. Wiseman
W. R. Smith		Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the chief Clerk a resolution of the following title, viz:

H. Res. No. 14. A JOINT RESOLUTION authorizing Theda Sue Love Waldridge, administratrix of the estate of Ernest L. Love, of Jefferson County, to sue the Department of Highways, etc.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Theda Sue Love Waldridge, administratrix of the estate of Ernest L. Love, deceased, be and she is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate the estate of said Ernest L. Love, deceased, for the injuries and damages, if any, sustained by said estate as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Departmetn of Highways thereof in maintaining the right of way along North Main Street in the City of Elizabethtown, Hardin County, Kentucky.

Section 2. Said suit shall be for a sum not in excess of $103,779.50.

Section 3. That the action herein authorized and permitted

may be brought in the Hardin Circuit Court, same being the Circuit Court having jurisdiction in Hardin County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Hardin Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 2, section 2, line 2. By striking the figures "$103,779.50" and by substituting therefor the figures "$10,000.00"

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 14.

Said motion was agreed to by voice vote.

Said amendment concurerd in.

Amendment No. 2—On page 2, section 4, line 8. By striking therefrom the words "General Expenditure" and substituting therefor the word "Road"

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 14.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 3—On page 2, By adding a new section to be numbered Section 5 and reading as follows:

"Section 5. No statement in this resolution shall be con-

sidered by either the court or jury as admission of negligence on the part of the Commonwealth or of the Department of Highways thereof and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury."

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 14.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said resolution be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harry M. Caudill	Cabell D. Francis
John Rhea Banton	William J. Conley	W. L. Hadden
Clarence J. Barnum	R. Josh Cosby	C. Ruby Harralson
Owen Billington	Vernor O. Cottengim	Harold G. Helm
Leo A. Bleemel	Charles W. Craig	Henry R. Heyburn
J. Murray Blue	W. Marvin Davis	Lon C. Hill
J. C. Bradley	Albert Dempsey	Estill R. Hilton
Edward T. Breathitt, Jr.	C. E. Dowell	Chester J. Holsclaw
Edward O. Bridgers	James A. Dressman, Jr.	William M. Horn
John Young Brown	O. O. Duncan	Jennings H. Kearby
Charles W. Buchanan	Harold Edmonds	Talmage Lacy
	Addison L. Everett	James W. Lambert
	Herbert Fern	Harry King Lowman
		Shelby McCallum

Damon Majors	Foster Ockerman	Mrs. Thelma L. Stovall
William J. Marcum	Louis T. Peniston	C. Waitman Taylor
George R. Martin	Paul T. Ratcliffe	James Treadway
Carl D. Melton	Hobart Rayburn	Eulick Walsh
Alton B. Mitchell	Robert Reid	Will Tom Wathen
Robert K. Montgomery	Russell Reynolds	W. W. Webster
	Lloyd E. Rogers	Hicks Wells
Walter R. Moorman	William A. Routh	Walker H. Wiseman
Eddie J. Morris	W. R. Smith	Paul E. Young
Goebel W. Newsom, Jr.		

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Chief Clerk a resolution of the following title, viz:

H. Res. No. 20. A JOINT RESOLUTION authorizing Eugene Patterson, of Lexington, Fayette County, Kentucky to sue the Commonwealth of Kentucky, etc.

Said resolution is as follows, viz:

Whereas, on the 30th day of November, 1953, while Eugene Patterson was operating a motor vehicle upon Brooklyn Bridge which spans Kentucky River between Mercer and Jessamine Counties, on Highway U. S. Number 68, said bridge collapsed and fell with the result that the said Eugene Patterson was severely and permanently injured and damaged in the total sum of Thirty-Six Thousand Two Hundred Eighty-Five Dollars and Twenty ($36,285.20) Cents, and,

Where, it appears that the Commonwealth of Kentucky and the Department of Highways, or either, acting by and through their agents, servants and employees, may be responsible for said damages.

Now Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Eugene Patterson, of Lexington, Fayette County, Kentucky, is hereby authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Mercer Circuit Court for damages to his person resulting from the falling of said Brooklyn Bridge and caused by the negligence on the part of the Commonwealth of Kentucky and the Department of Highways, or either, acting through their agents, servants and employees, who were then acting within the scope of their authority.

2. That said action shall be for a sum not in excess of Thirty-Six Thousand Two Hundred Eighty-Five Dollars and Twenty ($36,285.20) Cents.

3. The Attorney General may investigate the claim herein referred to and settle said claim before or after suit is filed, if in his opinion such settlement is for the best interest of the Commonwealth of Kentucky and the Department of Highways. Any sum recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

4. In the event suit is filed and Judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this resolution shall be considered by either the Court or Jury as an admission of negligence upon the part of the Commonwealth of Kentucky or the Department of Highways, or either, and this resolution shall not be introduced as evidence or commented upon by counsel in arguments to the Jury.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 1 By striking from the third literary paragraph on said page, the words "in the total sum of Thirty-Six Thousand Two Hundred Eighty Five Dollars and Twenty ($36,285.20) Cents"

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 20.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—On page 2, section 2, lines 11 and 12. By striking therefrom the words and figures "Thirty-Six Thousand Two Hundred Eighty-Five Dollars and Twenty ($36,285.20) Cents" and substituting therefor the words "Fifteen Thousand Dollars"

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 20.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 3—On page 2, section 3, line 18. By striking the words "General Fund" and substituting therefor the words "Road Fund"

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 20.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said resolution be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	Walter R. Moorman
John Rhea Banton	Addison L. Everett	Eddie J. Morris
Clarence J. Barnum	Herbert Fern	Goebel W. Newsom, Jr.
Owen Billington	Cabell D. Francis	Foster Ockerman
Leo A. Bleemel	W. L. Hadden	Louis T. Peniston
J. Murray Blue	C. Ruby Harralson	Paul T. Ratcliffe
J. C. Bradley	Harold G. Helm	Hobart Rayburn
Edward T. Breathitt, Jr.	Henry R. Heyburn	Robert Reid
Edward O. Bridgers	Lon C. Hill	Russell Reynolds
John Young Brown	Estill R. Hilton	Lloyd E. Rogers
Charles W. Buchanan	Chester J. Holsclaw	William A. Routh
Harry M. Caudill	William M. Horn	W. R. Smith
William J. Conley	Jennings H. Kearby	Mrs. Thelma L. Stovall
R. Josh Cosby	Talmage Lacy	C. Waitman Taylor
Vernor O. Cottengim	James W. Lambert	James Treadway
Charles W. Craig	Harry King Lowman	Eulick Walsh
W. Marvin Davis	Shelby McCallum	Will Tom Wathen
Albert Dempsey	Damon Majors	W. W. Webster
C. E. Dowell	William J. Marcum	Hicks Wells
James A. Dressman, Jr.	George R. Martin	Walker H. Wiseman
O. O. Duncan	Carl D. Melton	Paul E. Young
	Alton B. Mitchell	
	Robert K. Montgomery	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Chief Clerk a resolution of the following title, viz:

H. Res. No. 21. A JOINT RESOLUTION authorizing

Margaret M. Hoppe and Carl Hoppe, Jr. of Boyle County, Kentucky, to sue the Department of Highways, etc.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Margaret M. Hoppe and Carl Hoppe, Jr. be and they are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate them for the injuries and damages, if any, sustained by them as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof in maintaining Kentucky State Highway Number 33 in Boyle County, Kentucky.

Section 2. Said suit on behalf of Margaret M. Hoppe shall be for a sum not in excess of twenty-five thousand dollars, and said suit on behalf of Carl Hoppe, Jr., shall be for a sum not in excess of one thousand five hundred and forty dollars.

Section 3. That the action herein authorized and permitted may be brought in Boyle Circuit Court, same being the Circuit Court having jurisdiction in Boyle County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Boyle Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this Resolution shall be con-

sidered by either the court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky or the Department of Highways thereof, or either of them, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 1, section 2, line 2. By striking the words "twenty-five thousand dollars" and substituting therefor the words "fifteen thousand dollars"

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 21.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—On page 2, section 4, line 8. By striking the words "General Expenditure Fund" and substituting therefor the words "Road Fund"

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 21.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said resolution be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	Walter R. Moorman
John Rhea Banton	Addison L. Everett	Eddie J. Morris
Clarence J. Barnum	Herbert Fern	Goebel W. Newsom, Jr.
Owen Billington	Cabell D. Francis	Foster Ockerman
Leo A. Bleemel	W. L. Hadden	Louis T. Peniston
J. Murray Blue	C. Ruby Harralson	Paul T. Ratcliffe
J. C. Bradley	Harold G. Helm	Hobart Rayburn
Edward T. Breathitt, Jr.	Henry R. Heyburn	Robert Reid
Edward O. Bridgers	Lon C. Hill	Russell Reynolds
John Young Brown	Estill R. Hilton	Lloyd E. Rogers
Charles W. Buchanan	Chester J. Holsclaw	William A. Routh
Harry M. Caudill	William M. Horn	W. R. Smith
William J. Conley	Jennings H. Kearby	Mrs. Thelma L. Stovall
R. Josh Cosby	Talmage Lacy	C. Waitman Taylor
Vernor O. Cottengim	James W. Lambert	James Treadway
Charles W. Craig	Harry King Lowman	Eulick Walsh
W. Marvin Davis	Shelby McCallum	Will Tom Wathen
Albert Dempsey	Damon Majors	W. W. Webster
C. E. Dowell	William J. Marcum	Hicks Wells
James A. Dressman, Jr.	George R. Martin	Walker H. Wiseman
O. O. Duncan	Carl D. Melton	Paul E. Young
	Alton B. Mitchell	
	Robert K. Montgomery	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Chief Clerk a resolution of the following title, viz:

H. Res. No. 23. A RESOLUTION authorizing Ruby G.

Wicker, personal representative of Burtis Wicker, to sue the Department of Highways, etc.

Said resolution is as follows, viz:

WHEREAS, on or about April 8, 1953, at approximately 6:00 P. M., the said Burtis Wicker, while operating a low boy and trailer loaded with a D-8 tractor, owned by R. R. Dawson Bridge Company, Bloomfield, Kentucky, along a public highway known as Kentucky State Highway 40 in Johnson County, Kentucky, entered upon the bridge over the Levisa Fork of the Big Sandy River and went through the main span of said bridge and plunged into the said Levisa Fork of the Big Sandy River, causing his death.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Ruby G. Wicker, personal representative of Burtis Wicker, is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Highways, or either of them, in the Johnson Circuit Court, this being the county in which the death of Burtis Wicker occurred.

Section 2. The said suit of Ruby G. Wicker, personal representative of Burtis Wicker, shall be for an amount not exceeding $35,000.

Section 3. The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth of Kentucky and the Department of Highways, or either of them, and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by said settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

Section 4. No statement in this Resolution shall be considered by either the Court or the jury as an admission of neg-

ligence upon the part of the Commonwealth of Kentucky and the Department of Highways, or either of them, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 2, section 2, line 3, by striking therefrom the figure "$35,000." and inserting in lieu thereof the figure "$10,000."

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 23.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—On page 2, section 3, line 7. By striking therefrom the word "General" and inserting in lieu thereof the word "Road".

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 23.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said resolution be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	Walter R. Moorman
John Rhea Banton	Addison L. Everett	Eddie J. Morris
Clarence J. Barnum	Herbert Fern	Goebel W. Newsom, Jr.
Owen Billington	Cabell D. Francis	Foster Ockerman
Leo A. Bleemel	W. L. Hadden	Louis T. Peniston
J. Murray Blue	C. Ruby Harralson	Paul T. Ratcliffe
J. C. Bradley	Harold G. Helm	Hobart Rayburn
Edward T. Breathitt, Jr.	Henry R. Heyburn	Robert Reid
Edward O. Bridgers	Lon C. Hill	Russell Reynolds
John Young Brown	Estill R. Hilton	Lloyd E. Rogers
Charles W. Buchanan	Chester J. Holsclaw	William A. Routh
Harry M. Caudill	William M. Horn	W. R. Smith
William J. Conley	Jennings H. Kearby	Mrs. Thelma L. Stovall
R. Josh Cosby	Talmage Lacy	C. Waitman Taylor
Vernor O. Cottengim	James W. Lambert	James Treadway
Charles W. Craig	Harry King Lowman	Eulick Walsh
W. Marvin Davis	Shelby McCallum	Will Tom Wathen
Albert Dempsey	Damon Majors	W. W. Webster
C. E. Dowell	William J. Marcum	Hicks Wells
James A. Dressman, Jr.	George R. Martin	Walker H. Wiseman
O. O. Duncan	Carl D. Melton	Paul E. Young
	Alton B. Mitchell	
	Robert K. Montgomery	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Chief Clerk a resolution of the following title, viz:

H. Res. No. 25. A JOINT RESOLUTION authorizing Mitchell Preston to sue the Department of Highways, etc.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Mitchell Preston is authorized to sue the Department of Highways and the Commonwealth of Kentucky, or either, in the Lawrence Circuit Court, for damages and medical expenses resulting from personal injuries, loss of time and property damages, caused by alleged negligence on the part of the Department of Highways, by and through its officers, agents and employes acting or failing to act in the line of their duties.

Section 2. The suit shall be for a sum not in excess of fifty thousand dollars.

Section 3. The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

With Senate Amendment attached thereto as follows, viz:

Amendment No. 1—On page 1, section 2, line 2. By striking therefrom the word "fifty" and inserting in lieu thereof the word "ten."

Mr. Lowman moved that the House do now concur in said amendment to H. Res. No. 25.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said resolution be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Damon Majors
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Hicks Wells
Walker H. Wiseman
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 39. A JOINT RESOLUTION authorizing Howard A. See, guardian of Garred C. See, an infant, and A. T. See, father of Garred C. See, an infant, to sue the Department of Highways, etc.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Howard A. See, guardian of Garred C. See, an infant, and A. T. See, father of Garred C. See, an infant, be and they are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate Garred C. See for the injuries and damages, if any, and A. T. See for the expenses, if any, sustained by them as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, their agents, officers and employes, in maintaining the right of way of U. S. Highway number 23 in Lawrence County, Kentucky.

Section 2. Said suit on behalf of Garred C. See, an infant, shall be for a sum not in excess of $5,255.29, and said suit by A. T. See shall be for a sum not in excess of $2,294.71.

Section 3. That the actions herein authorized and permitted may be brought in the Lawrence Circuit Court, same being the Circuit Court having jurisdiction in Lawrence County, Kentucky, the county in which the damages and injuries suffered by Garred C. See were incurred, and the county in which

the injuries causing the expenditures by A. T. See were incurred. Said suits shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to either of such actions may appeal from any judgment which may be entered by the Lawrence Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Reso-

lution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	Eddie J. Morris
John Rhea Banton	Addison L. Everett	Goebel W. Newsom, Jr.
Clarence J. Barnum	Herbert Fern	Foster Ockerman
Owen Billington	Cabell D. Francis	Louis T. Peniston
Leo A. Bleemel	W. L. Hadden	Paul T. Ratcliffe
J. Murray Blue	C. Ruby Harralson	Hobart Rayburn
J. C. Bradley	Harold G. Helm	Robert Reid
Edward T. Breathitt, Jr.	Henry R. Heyburn	Russell Reynolds
Edward O. Bridgers	Lon C. Hill	Lloyd E. Rogers
John Young Brown	Estill R. Hilton	William A. Routh
Charles W. Buchanan	Chester J. Holsclaw	W. R. Smith
Harry M. Caudill	William M. Horn	Mrs. Thelma L. Stovall
William J. Conley	Jennings H. Kearby	C. Waitman Taylor
R. Josh Cosby	Talmage Lacy	James Treadway
Vernor O. Cottengim	James W. Lambert	Eulick Walsh
Charles W. Craig	Harry King Lowman	Will Tom Wathen
W. Marvin Davis	Shelby McCallum	W. W. Webster
Albert Dempsey	Damon Majors	Hicks Wells
C. E. Dowell	William J. Marcum	Walker H. Wiseman
James A. Dressman, Jr.	George R. Martin	Paul E. Young
O. O. Duncan	Carl D. Melton	
	Alton B. Mitchell	
	Robert K. Montgomery	
	Walter R. Moorman	—65

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 49. A JOINT RESOLUTION authorizing Mrs. Emma McCoun and Mrs. Orene Swango Davis to sue the Commonwealth, etc.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. That Mrs. Emma McCoun and Mrs. Orene Swango Davis are authorized to sue, either jointly or severally, the Commonwealth of Kentucky and the Department of Highways, or either, in the Wolfe Circuit Court, for damages resulting to each of them from personal injuries and medical expenses caused by alleged negligence of the Commonwealth of Kentucky and the Department of Highways in the construction and maintenance of Kentucky Highway No. 15 in Wolfe County, Kentucky, on or about March 27, 1952.

SECTION 2. Said suit, or suits, shall be for a sum or sums not to exceed Fifteen Thousand ($15,000.00) Dollars in each case.

SECTION 3. The Attorney General may investigate the claim or claims herein and settle each claim, or claims, before or after suit is filed, if he deems it advisable. Any amount recovered in said suit, or suits, or by settlement with the Attorney General, shall be paid out of the Road Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

SECTION 4. In the event suit or suits are filed and judgment rendered by the Circuit Court, either party or parites, may appeal to the Court of Appeals of Kentucky.

SECTION 5. No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

SECTION 6. No plea of limitations shall be interposed.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles W. Craig	William M. Horn
John Rhea Banton	W. Marvin Davis	Jennings H. Kearby
Clarence J. Barnum	Albert Dempsey	Talmage Lacy
Owen Billington	C. E. Dowell	James W. Lambert
Leo A. Bleemel	James A. Dressman, Jr.	Harry King Lowman
J. Murray Blue	O. O. Duncan	Shelby McCallum
J. C. Bradley	Harold Edmonds	Damon Majors
Edward T. Breathitt, Jr.	Addison L. Everett	William J. Marcum
Edward O. Bridgers	Herbert Fern	George R. Martin
John Young Brown	Cabell D. Francis	Carl D. Melton
Charles W. Buchanan	W. L. Hadden	Alton B. Mitchell
Harry M. Caudill	C. Ruby Harralson	Robert K. Montgomery
William J. Conley	Harold G. Helm	Walter R. Moorman
R. Josh Cosby	Henry R. Heyburn	Eddie J. Morris
Vernor O. Cottengim	Lon C. Hill	Goebel W. Newsom, Jr.
	Estill R. Hilton	
	Chester J. Holsclaw	Foster Ockerman

Louis T. Peniston	William A. Routh	Eulick Walsh
Paul T. Ratcliffe	W. R. Smith	Will Tom Wathen
Hobart Rayburn	Mrs. Thelma L. Stovall	W. W. Webster
Robert Reid	C. Waitman Taylor	Hicks Wells
Russell Reynolds	James Treadway	Walker H. Wiseman
Lloyd E. Rogers		Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 46. RESOLUTION authorizing Dewey Rice, individually, the personal representative of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., etc.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Dewey Rice, individually, the personal representative of Wilma Rice (the deceased wife of Dewey Rice), the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice, be, and they are hereby authorized, empowered and permitted by Dewey Rice, individually, the personal representative of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice to sue the Commonwealth of Kentucky and the State Highway Department of Kentucky or either, in Carter Circuit Court, for such damages as they may have sustained, if any, by reason of injury to the person of Dewey Rice, Dewey Rice, Jr., and Prichard Rice, and the death of Wilma Rice caused by the unsafe condition of U. S. 60 in Carter County, Kentucky, and the negligence of the highway

department, its agents, servants and employees, and in the event of any judgment or judgments should be recovered by the said Dewey Rice, individually, the personal representative of Wilma Rice, the statutory guardian or next friend of Dewey Rice, Jr., and the statutory guardian or next friend of Prichard Rice, the same shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance by warrant drawn upon the State Treasurer. In event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky. No statement in this resolution shall be considered by either the court or the jury as an admission of negligence on the part of the Commonwealth for the State Highway Department, and this resolution shall not be introduced as evidence, nor commented upon in argument to the jury.

Any action filed by Dewey Rice shall not exceed the sum of Ten Thousand ($10,000.00) Dollars, and any action filed by the personal representative of Wilma Rice shall not exceed the sum of Ten Thousand ($10,000.00) Dollars, and any action filed by the statutory guardian or next friend of Dewey Rice, Jr., and Prichard Rice shall not exceed the sum of Twenty-Five Hundred ($2500.00) Dollars.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	Walter R. Moorman
John Rhea Banton	Addison L. Everett	Eddie J. Morris
Clarence J. Barnum	Herbert Fern	Goebel W. Newsom, Jr.
Owen Billington	Cabell D. Francis	Foster Ockerman
Leo A. Bleemel	W. L. Hadden	Louis T. Peniston
J. Murray Blue	C. Ruby Harralson	Paul T. Ratcliffe
J. C. Bradley	Harold G. Helm	Hobart Rayburn
Edward T. Breathitt, Jr.	Henry R. Heyburn	Robert Reid
Edward O. Bridgers	Lon C. Hill	Russell Reynolds
John Young Brown	Estill R. Hilton	Lloyd E. Rogers
Charles W. Buchanan	Chester J. Holsclaw	William A. Routh
Harry M. Caudill	William M. Horn	W. R. Smith
William J. Conley	Jennings H. Kearby	Mrs. Thelma L. Stovall
R. Josh Cosby	Talmage Lacy	C. Waitman Taylor
Vernor O. Cottengim	James W. Lambert	James Treadway
Charles W. Craig	Harry King Lowman	Eulick Walsh
W. Marvin Davis	Shelby McCallum	Will Tom Wathen
Albert Dempsey	Damon Majors	W. W. Webster
C. E. Dowell	William J. Marcum	Hicks Wells
James A. Dressman, Jr.	George R. Martin	Walker H. Wiseman
O. O. Duncan	Carl D. Melton	Paul E. Young
	Alton B. Mitchell	
	Robert K. Montgomery	

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 48. A JOINT RESOLUTION authorizing Sibbie Caskey Perkins of Rowan County, Kentucky, to sue the Commonwealth of Kentucky, etc.

Said Resolution is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sibbie Caskey Perkins is authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, in the Rowan Circuit Court for damages resulting from property damages caused by alleged negligence on the part of the employees of the Department of Highways of Kentucky while said employees were in the line of duty as employees of the Commonwealth.

Said suit shall be for a sum not in excess of $10,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle same before or after suit is filed, if he deems it advisable.

Any amount recovered in said suits or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
Charles W. Craig
W. Marvin Davis
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Damon Majors
William J. Marcum
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Paul T. Ratcliffe
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
James Treadway

Eulick Walsh	W. W. Webster	Walker H. Wiseman
Will Tom Wathen	Hicks Wells	Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 13. A JOINT RESOLUTION authorizing and directing payment of a claim of the Louisville Sand and Gravel Company.

Said Resolution is as follows, Viz:

WHEREAS, in March, 1950, The Louisville Sand and Gravel Company, Louisville, Kentucky, furnished certain materials in the amount of $163.28 to the Department of Welfare, Commonwealth of Kentucky; and

WHEREAS, due to overshipment of said materials because of a duplication of shipping orders this account has never been paid,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Department of Welfare is authorized and directed to pay to The Louisville Sand and Gravel Company, of Louisville, Kentucky, out of any funds at the disposal of the Department, the sum of $163.28 for materials furnished.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	James A. Dressman, Jr.	George R. Martin
John Rhea Banton	O. O. Duncan	Carl D. Melton
Clarence J. Barnum	Harold Edmonds	Alton B. Mitchell
Owen Billington	Addison L. Everett	Robert K. Montgomery
Leo A. Bleemel	Herbert Fern	Walter R. Moorman
J. Murray Blue	Cabell D. Francis	Eddie J. Morris
J. C. Bradley	W. L. Hadden	Goebel W. Newsom, Jr.
Edward T. Breathitt, Jr.	C. Ruby Harralson	Foster Ockerman
Edward O. Bridgers	Harold G. Helm	Louis T. Peniston
John Young Brown	Henry R. Heyburn	Paul T. Ratcliffe
Charles W. Buchanan	Lon C. Hill	Hobart Rayburn
Harry M. Caudill	Estill R. Hilton	Robert Reid
William J. Conley	Chester J. Holsclaw	Russell Reynolds
R. Josh Cosby	William M. Horn	Lloyd E. Rogers
Vernor O. Cottengim	Jennings H. Kearby	William A. Routh
Charles W. Craig	Talmage Lacy	W. R. Smith
W. Marvin Davis	James W. Lambert	Mrs. Thelma L. Stovall
Albert Dempsey	Harry King Lowman	C. Waitman Taylor
C. E. Dowell	Shelby McCallum	James Treadway
	Damon Majors	
	William J. Marcum	

Eulick Walsh	W. W. Webster	Walker H. Wiseman
Will Tom Wathen	Hicks Wells	Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

CONFERENCE COMMITTEE REPORTS

The conference committee previously appointed by the Speaker to serve with a like committee of the Senate, offered the following amendment by way of substitute for S. Res. No. 10, which is as follows, viz:

WHEREAS, there is a vacancy in the position of Poet Laureate of Kentucky; and

WHEREAS, Edwin Carlile Litsey, a resident of Lebanon, Marion County, Kentucky, has for more than sixty years been writing poetry of such merit as to gain for him five prizes in nationwide poetry contests; and

WHEREAS, Edwin Carlile Litsey has achieved great distinction by having twelve volumes of his work published, by having his work published in numerous magazines and broadcast over the radio; and

WHEREAS, Edwin Carlile Litsey is a Life Member of The Academic Society of International History of Paris, France, of The Arts Club of New York and of The Authors Club of London, England; and

WHEREAS, Edwin Carlile Litsey is a true scholar and gentleman and by his poetry has brought honor and glory to the City of Lebanon, to Marion County and to the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Edwin Carlile Litsey is hereby declared to be the Poet Laureate of Kentucky and that he is privileged to enjoy all the honors incidental thereto. It is expressly understood, however, that this declaration of distinction is an honorary one only and bears with it no financial obligation upon the Commonwealth of Kentucky.

Section 2. That the Secretary of State be, and he hereby is directed to forward a copy of this resolution, properly attested under the seal of the Commonwealth of Kentucky, and a suitable commission, also properly attested, to Edwin Carlile Litsey declaring him to be the Poet Laureate of Kentucky.

Mr. Lowman moved the adoption of said amendment by way of substitute for S. Res. No. 10.

Said motion was agreed to by voice vote.

Said amendment was adopted.

The Committee offered the following title amendment to S. Res. No. 10, viz:

SUBSTITUTE FOR SENATE RESOLUTION NO. 10. A JOINT RESOLUTION naming Jesse Hilton Stuart and Edwin Carlile Litsey as Poets Laureate of Kentucky.

WHEREAS, the death of the Poet Laureate, the beloved J. T. Cotton Noe, has left Kentucky in need of one who truly represents its great spirit and traditions, and

WHEREAS, the people of Kentucky desire to honor their men and women who have achieved distinction in any calling or profession, and

WHEREAS, there now resides within Kentucky two native sons, Jesse Hilton Stuart and Edwin Carlile Litsey, who are known and recognized throughout the nation as writers and poets of eminent distinction, and

WHEREAS, Jesse Hilton Stuart has written many short stories, novels such as "Taps for Private Tussie" and "The Good Spirit of Laurel Ridge", and the volumes of poetry, "Man With

A Bull-Tongue Plow", " Album of Destiny" and "Kentucky Is My Land", and

WHEREAS, Jesse Hilton Stuart was awarded the Guggenheim fellowship for European travel in 1937; the Jeanette Sewal Davis poetry prize in 1934; a prize from the Academy of Arts and Sciences in 1941 and the Thomas Jefferson Southern Award in 1943, and

WHEREAS, Edwin Carlile Litsey, a resident of Lebanon, Marion County, Kentucky has for more than sixty years been writing poetry of such merit as to gain for him five prizes in nationwide poetry contests; and

WHEREAS, Edwin Carlile Litsey has achieved great distinction by having twelve volumes of his work published, by having his work published in numerous magazines and broadcast over the radio; and

WHEREAS, Edwin Carlile Litsey is a Life Member of The Academic Society of International History of Paris, France, of The Arts Club of New York and of The Authors Club of London, England; and

WHEREAS, both Jesse Hilton Stuart and Edwin Carlile Litsey, in their devoted and enthusiastic services to the Commonwealth, have shown the greatest understanding and appreciation of Kentucky and her people and have brought honor and glory to the Commonwealth of Kentucky;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Jesse Hilton Stuart and Edwin Carlile Litsey are hereby declared to be the Poets Laureate of Kentucky and each is entitled to enjoy all the honors incidental thereto. This declaration of distinction, however, is honorary only and bears no financial obligation upon the Commonwealth of Kentucky.

Section 2. That the Secretary of State be, and he hereby is, directed to forward copies of this resolution, properly attested under the seal of the Commonwealth of Kentucky, and suitable

commissions, also properly attested, to Jesse Hilton Stuart and Edwin Carlile Litsey declaring each to be a Poet Laureate of Kentucky.

Mr. Lowman moved the adoption of said title amendment.

Said motion was agreed to by voice vote.

Said title amendment adopted.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 41. A JOINT RESOLUTION providing for erection of a marker at the grave of Matthew Lyon, etc.

Said resolution is as follows, viz:

WHEREAS, Matthew Lyon (1750-1822) was a distinguished patriot, with a notable record of service as a Revolutionary War Soldier, as a member of Ethan Allen's famous military organization, Green Mountain Boys; and

WHEREAS, he was closely associated with a number of patriotic leaders in the early days of the Republic, and was connected by marriage with three prominent families of those days, his first wife having been a niece of the famed Ethan Allen, and his second wife a daughter of Thomas Chittenden, the first Governor of Vermont; and

WHEREAS, he was a leader in the struggle for the establishment and maintenance of democratic principles and practices, opposing monarchial customs and tendencies, and especially distinguished himself by his militant opposition to the Alien and Sedition Laws, as a result of which he suffered imprisonment; and

WHEREAS, leaving prison a hero in the eyes of his fellow citizens of Vermont because of his able and valiant championship of the rights and liberties of the people, he became a member of the Lower House of Congress, where he served four years; and

WHEREAS, while a member of Congress he cast the deciding vote in the historic contest for the Presidency of the

United States between Thomas Jefferson and Aaron Burr, resulting in the election of his friend and associate, Jefferson; and

WHEREAS, in the year 1799, his restless and pioneering spirit led him to seek out a new location in the unsettled area of Western Kentucky, and he, with a few fellow emigrants, founded the town of Eddyville; and

WHEREAS, he resided at Eddyville for nineteen years, operating ship-yards, iron mills, a paper mill, a grist mill, saw mills and a tannery, making the town of Eddyville a commercial center and one of the two or three most important points in Western Kentucky in the early 1800s, a position maintained for half a century; and

WHEREAS, he pioneered, in Vermont, in manufacturing paper from wood pulp, and has been recognized for his discovery or invention of this process and application of same as worthy of consideration along with Benjamin Franklin and Eli Whitney and other early American inventors; and

WHEREAS, while a resident of Kentucky, he served eight years as a member of the Lower House of Congress from his District; and

WHEREAS, upon being appointed by President James Monroe as Factor to the Cherokee Indian Nation in the Territory of Arkansas, he removed to that Territory and resided there until his death; and

WHEREAS, it has been written of him—

> "Matthew Lyon died at Spadra Bluff on the 1st of August, 1822, lamented by the whole American people; a man of action and deeds which left their impress on his times; a patriot in every fibre, whose vote made a President; a pioneer along whose pathway Romance walked side by side with History; a hero whose memory is cherished in Kentucky and Vermont among the foremost and bravest of their sons"; and

WHEREAS, the remains of Matthew Lyon were re-interred at Eddyville eleven years after his death, as narrated by an associate as follows:

"The remains of Matthew Lyon were interred at Spadra Bluff, but in the year 1833, his son, Chittenden Lyon, and other members of Col. Lyon's family resolved to transfer the body to Kentucky, and re-inter it at Eddyville. This was accordingly done, and the ceremonies of the reburial drew together an immense assemblage of the friends of Matthew Lyon. A handsome monument was erected over the grave, with suitable inscriptions commemorative of the founder of Eddyville. Old men still living remember the impressive services, and speak of the bringing home of 'bell and burial' for the beloved founder, as the most solemn event in the history of the town"; and

WHEREAS, the remains of Matthew Lyon lie in Riverview Cemetery in Eddyville, by the side of those of his daughter, Lorraine Lyon, who was the first person to be buried in said cemetery, and also in close proximity to the graves of two of his sons, viz., Chittenden Lyon and Matthew Lyon, Jr., the former of whom served his District in the Lower House of Congress, and for whom the County of Lyon was named, and also to the graves of others of the old patriot's descendants, among them his grandson, Gen. Hylan B. Lyon:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That in tribute to the memory of Matthew Lyon, the State Historical Society is hereby authorized and directed to cause to be erected at his grave a suitable and appropriate marker, and to refurbish his grave and the stone now marking it and also the graves and marking stones of his immediate family descendants; and that the Department of Welfare with the use of prison labor cause to be laid out around and about said graves a park; and that the State Department of Highways be, and it is hereby requested, to suitably and appropriately improve the road, about six-tenths of a mile in length, by which said cemetery is reached, so as to render access easy and convenient for the one combined purpose of making said part of said cemetery a shrine for the interest and gratification of all patriotic citizens of Kentucky and the United States.

Mr. Lowman moved the adoption of Senate Res. No. 41.

Said motion was agreed to by voice vote.

Said resolution was adopted.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

S. Res. No. 63. A CONCURRENT RESOLUTION providing for sine die adjournment of the Regular Session of the General Assembly of 1954.

Said resolution is as follows, viz:

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and House of Representatives adjourn on March 19, 1954, they do adjourn sine die.

Mr. Lowman moved the adoption of S. Res. No. 63.

Said motion was agreed to by voice vote.

Said resolution adopted.

Ordered that said resolution be delivered to the Senate.

Mr. Lowman moved that the House adjourn until 10:00 A. M. Friday, March 19, 1954.

Said motion was agreed to.

And the House did then adjourn.

FRIDAY, MARCH 19, 1954

The House convened and was called to order by the Honorable Charles W. Burnley, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter, Rector of the Church of the Ascension, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
Paul Cobb
William J. Conley
R. Josh Cosby
Charles W. Craig
W. Marvin Davis
John L. Day
Albert Dempsey
C. E. Dowell
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
William J. Marcum
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Dr. Clyde D. Wooton
Paul E. Young
Charles W. Burnley, Speaker

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REPORT OF THE ENROLLMENT COMMITTEE

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz:

H. B. No. 16. AN ACT relating to operation of motor vehicles while under influence of intoxicating liquor or narcotic drugs, etc.

H. B. No. 47. AN ACT relating to removal of improvement on unimproved or unproductive lots.

H. B. No. 119. AN ACT providing that certain types of employment shall not constitute "covered employment under the Unemployment Compensation Act."

H. B. No. 141. AN ACT relating to appointment of deputy coroners, the holding of inquests, etc.

H. B. No. 150. AN ACT relating to compensation of physicians employed by county, city-county and district health departments.

H. B. No. 157. AN ACT changing the classification of the City of Silver Grove in Campbell County.

H. B. No. 176. AN ACT relating to frozen food locker plants.

H. B. No. 186. AN ACT relating to condemnation of property for transportation of material from a mine or quarry.

H. B. No. 204. AN ACT relating to property taxation.

H. B. No. 212. AN ACT relating to licensing a motor vehicle.

H. B. No. 214. AN ACT relating to the liability of operators of automobiles parking lots, etc.

H. B. No. 221. AN ACT relating to local public health.

H. B. No. 222. AN ACT relating to public health.

H. B. No. 260. AN ACT relating to the finance and revenue of joint county-city boards of health of cities of first class.

H. B. No. 265. AN ACT relating to the control of air pollution.

H. B. No. 297. AN ACT relating to public improvements.

H. B. No. 315. AN ACT relating to children.

H. B. No. 329. AN ACT relating to insurance and amending certain sections of Chapter 304 of KRS.

H. B. No. 344. AN ACT relating to local public health.

H. B. No. 345. AN ACT relating to terms of Court in the 38th Judicial District.

H. B. No. 365. AN ACT relating to Public School Education.

H. B. No. 383. AN ACT relating to the practice of Chiropody.

H. B. No. 400. AN ACT relating to Workmen's Compensation.

H. B. No. 401. AN ACT relating to tuberculosis and making an appropriation therefor.

H. B. No. 406. AN ACT relating to Mines and Minerals.

H. B. No. 417. AN ACT changing classification of the City of La Center, in Ballard County.

H. B. No. 425. AN ACT relating to condemnation for underground oil or gas storage fields giving access thereto.

H. B. No. 458. AN ACT relating to the compensation of judges and commissioners of the Court of Appeals.

H. B. No. 464. AN ACT providing for payment of fees out of State Road Fund and by county fiscal courts to county court clerk for taking acknowledgement, recording rights of way, etc.

H. B. No. 465. AN ACT relating to Administration Officers of Court of Appeals.

H. B. No. 466. AN ACT relating to authorization of Commissioner of Welfare regarding method of return of parole and probation violators and escaped prisoners.

H. B. No. 485. AN ACT relating to the advancement of funds from the State Treasury to pay jurors.

H. B. No. 486. AN ACT relating to the payment of travel expenses for State officers and employees.

H. B. No. 487. AN ACT to repeal, amend and re-enact KRS 1953 Edition, relating to the Department of Highways.

H. B. No. 491. AN ACT relating to Financial Administration in State Government.

H. B. No. 492. AN ACT relating to State investment commission amending KRS, etc.

H. B. No. 496. AN ACT appropriating money out of General Expenditure Fund in State Treasury for purpose of paying certain claims, etc.

H. B. No. 497. AN ACT relating to conservation, development of use of water resources.

H. B. No. 501. AN ACT relating to utilities in cities of third class.

H. B. No. 507. AN ACT relating to motor transportation and motor vehicles.

H. Res. No. 14. JOINT RESOLUTION authorizing Theda Sue Love Waldridge Admin. of estate of Ernest Love, Jefferson County, to sue Highway Department and the Commonwealth of Kentucky.

H. Res. No. 20. JOINT RESOLUTION authorizing Eugene Patterson of Lexington to sue the Commonwealth and Department of Highways.

H. Res. No. 21. JOINT RESOLUTION authorizing Margaret M. Hoppe and Carl Hoppe Jr. to sue Commonwealth and Highway Department.

H. Res. No. 23. JOINT RESOLUTION authorizing Ruby G. Wicker, personal representative of Burtis Wicker to sue Commonwealth or Highway Department.

H. Res. No. 24. RESOLUTION authorizing Lloyd Metcalf to sue Commonwealth and Highway Department.

H. Res. No. 25. JOINT RESOLUTION authorizing Mitchell Preston to sue Department of Highways and Commonwealth.

H. Res. No. 27. A RESOLUTION concerning the naming of Kentucky Highway No. 503 in honor of Corporal Ernest E. West.

H. Res. No. 40. JOINT RESOLUTION authorizing Burton McGee, father of Stephen McGee, to sue Highway Department and Commonwealth.

H. Res. No. 46. JOINT RESOLUTION authorizing personal representative of Emmett Hutchinson, deceased, Thomas Hutchinson, Sr., deceased, Mrs. Rose Hutchinson, deceased, each of Christian County, to sue the Commonwealth and Department of Highways.

H. Res. No. 53. A JOINT RESOLUTION providing for an investigation by Legislative Research Commission of milk prices in Kentucky.

H. Res. No. 63. JOINT RESOLUTION authorizing Pearl Troxel of Jefferson County to sue Commonwealth and Department of Health.

H. Res. No. 71. JOINT RESOLUTION authorizing Henry H. Meadows of Boone County to sue Commonwealth and Department of Highways.

H. Res. No. 85. A JOINT RESOLUTION authorizing payment of a claim by the hereinafter named county clerk against the Department of Highways and Commonwealth.

H. Res. No. 91. JOINT RESOLUTION providing for payment of compensation for services rendered and expenses incurred by employees.

H. Res. No. 92. JOINT RESOLUTION providing for payment of compensation for benefit of officers and employees of House and Senate.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bills to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time, the enrolling clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Lowman moved that the reading of the Journal of the proceedings of Thursday, March 18, 1954, be dispensed with and same be approved.

Said motion was agreed to.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing a guest.

Said motion was agreed to.

Mr. Burnley introduced Coach Blanton Collier, of the University of Kentucky, who made a short talk to the members of the House.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 228. AN ACT relating to motor transportation and motor vehicles.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 281.655 of the Kentucky Revised Statutes is amended to read as follows:

INSURANCE. (1) Before any certificate or permit will be issued or renewed, the applicant or holder of the certificate or permit must file or have on file with the department an ap-

proved indemnifying bond or insurance policy issued by some surety company or insurance carrier authorized to transact business within the Commonwealth of Kentucky. The bond or policy shall be issued for such a period of time that its expiration date will be January 1 of the following year; and shall have attached thereto the state insurance endorsement. All bonds or policies required herein must be issued in the name of the holder of the certificate or permit. In lieu of the bond or policy, there may be filed with the department an approved certificate of insurance; provided, however, that the expiration date of January 1, above referred to, shall not apply to policies the term of which is continuous and which are to remain in full force until cancelled under proper notice.

(2) All bonds or policies shall specifically state what equipment is covered by the policy. In the event a certificate is filed it shall have endorsed thereon a specific description of all equipment covered by the policy. It is further required that any and all changes in the equipment covered by the policy, or bond, or the certificate of insurance shall be certified to the department at once. The department may authorize acceptance of a policy that is an overall coverage blanket policy, which does not specifically describe the equipment covered thereby.

(3) The types and amounts of insurance to be carried on each vehicle are as follows:

MOTOR VEHICLES FOR THE TRANSPORTATION OF PERSONS

Capacity	Death of or Injury to any One Person	Total Liability for Death of or Injury to Persons	Property Damage
7 persons or less	$10,000.00	$20,000.00	$5,000.00
8 to 16 inclusive	10,000.00	30,000.00	5,000.00
17 to 25 inclusive	10,000.00	40,000.00	5,000.00
26 or more	10,000.00	50,000.00	5,000.00

MOTOR VEHICLES FOR THE TRANSPORTATION OF PROPERTY

Gross Weight	Death or Injury to any One Person	Total Liability for Death or Injury to Persons	Property Damage
18,000 lbs. or less	$10,000.00	$20,000.00	$5,000.00
More than 18,000 lbs.	10,000.00	30,000.00	5,000.00

(4) Any carrier or motor carrier using any vehicle for the transportation of inflammables, explosives or petroleum or petroleum products in bulk shall have the following types and amounts of insurance carried on each such vehicle:

Death of or Injury to any One Person	Total Liability for Death of or Injury to Persons	Property Damage
$10,000.00	$25,000.00	$25,000.00

(5) Before any certificate exclusively authorizing the transportation of property will be issued or renewed, the applicant or holder of the certificate must file or have on file with the department an approved insurance policy or bond, or approved certificate of such insurance or bond, compensating shippers or consignees for loss or damage to property belonging to shippers or consignees and coming into possession of the carrier in connection with its transportation service, (a) for loss of or damage to property carried on any one motor vehicle in the amount of one thousand dollars; (b) for loss of or damage to or aggregate of losses or damages of or to property occuring at any one time and place in the amount of two thousand dollars. Said policy, or bond, or certificate shall have attached thereto the Kentucky cargo policy endorsement and must be issued by some insurance or surety company authorized to transact business within the Commonwealth of Kentucky. Such policy, bond or certificate shall be issued for such a period of time that its expiration date will be January 1 of the following year, except that such expiration date shall not apply to polices the term of which are continuous and which are to remain in full force until cancelled under proper notice.

(6) No insurance company or insurance carrier issuing any policy filed with the department, and no surety or obligor on any bond or contract filed with the department, shall be relieved from liability under the policy, bond or contract until after the expiration of fifteen days' notice to the department of an intention to cancel the policy, bond or contract. The acceptance of such notice and the cancellation of the policy, bond or contract by the department shall not relieve the insurance company, insurance carrier, surety or obligor of any liability that accrued prior to the effective date of the cancellation.

(7) Upon the cancellation of any bond or insurance policy required by this section, all operating rights granted by the certificate or permit for which said bond or policy was filed, shall immediately cease, and the department is empowered to immediately require the cessation of all operations conducted under authority of said certificate or permit, and to require the surrender of all certificates, permits, licenses and other evidence of a right to act as a motor carrier.

(8) The department may exempt in whole or in part from the requirements of this section any person who applies for such exemption and shows to the satisfaction of the department that, by reason of the financial ability of the person applying, there is due assurance of the payment of all damages for which he may become liable as a result of the operation of any vehicle owned by him or operated under authority of his certificate or permit.

SECTION 2. A new section of the Kentucky Revised Statutes is created to read as follows:

On or before January 1 of each year and as a condition precedent to the use of the highways, every motor carrier operating wreckers shall pay to the department an annual excise tax upon each motor vehicle so used in the amount of ten dollars, which tax shall be in lieu of the taxes required by KRS 186.050 (8).

SECTION 3. A new section of the Kentucky Revised Statutes is created to read as follows:

On or before January 1 of each year and as a condition precedent to the use of the highways, every carrier or motor carrier operating airport limousines shall pay to the department for the privilege of using the highways an annual tax upon each motor vehicle so used in the amount of three dollars for each regular seat.

SECTION 4. A new section of the Kentucky Revised Statutes is created to read as follows:

On or before January 1 of each year and as a condition precedent to the use of the highways, every carrier or motor carrier acting as a U-Drive-It shall pay to the department for the privilege of using the highways an annual excise tax upon each

motor vehicle used in the transportation of property based upon the declared gross weight of the motor vehicle as set out in KRS 186.030, in addition to the basic registration fee as set out in KRS 186.050 and in lieu of the taxes imposed by KRS 186.055, as follows:

Gross Weight	Fee
0- 5000	$ 22.00
5001- 8000	30.00
8001-10000	48.00
10001-12000	52.00
12001-14000	57.00
14001-16000	62.00
16001-18000	70.00
18001-21000	101.00
21001-24000	132.00
24001-27000	161.00
27001-30000	185.00
30001-33000	208.00
33001-36000	235.00
36001-39000	275.00
39001-42000	300.00

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Thomas P. Fitzpatrick	Foster Ockerman
Walter J. Bailey	Cabell D. Francis	Louis T. Peniston
John Rhea Banton	W. L. Hadden	Edward D. Pollitte
Charles E. Baumgardner, Sr.	C. Ruby Harralson	Roger E. Qualls
Owen Billington	George F. Harris	Jack Raybourne, Jr.
Leo A. Bleemel	David Heskamp	Russell Reynolds
J. Murray Blue	Henry R. Heyburn	Joe Rouse
J. C. Bradley	Estill R. Hilton	William A. Routh
Edward T. Breathitt, Jr.	Chester J. Holsclaw	Cecil C. Sanders
Edward O. Bridgers	William M. Horn	W. R. Smith
Cassius M. Clay	William L. Jones	Mrs. Thelma L. Stovall
Paul Cobb	Jennings H. Kearby	E. H. Stumbo
William J. Conley	Talmage Lacy	C. Waitman Taylor
R. Josh Cosby	Harry King Lowman	Eulick Walsh
W. Marvin Davis	Shelby McCallum	Will Tom Wathen
C. E. Dowell	Ralph E. McClanahan	W. W. Webster
James A. Dressman, Jr.	William C. Mann	William B. Wells
Harold Edmonds	Carl D. Melton	Mrs. Randolph Wilson
Addison L. Everett	Robert K. Montgomery	T. D. Winstead
Herbert Fern	Walter R. Moorman	Walker H. Wiseman
	Eddie J. Morris	Dr. Clyde D. Wooton
	Thomas J. Murphy	Paul E. Young

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Those who voted in the negative were—

Harold G. Helm	William J. Marcum	LeRoy Saylor
Lon C. Hill	George R. Martin	James Treadway
Caleb McFadden		

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 116. AN ACT relating to the State Fair Board, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 247.170 of the Kentucky Revised Statutes is hereby amended to read as follows:

"The sum appropriated by the General Assembly for premiums alone shall be paid to the State Fair Board and be disbursed by its agent as a petty cash fund in accordance with the provisions of KRS 45.280."

Mr. Wathen moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Leo A. Bleemel	John Young Brown
Walter J. Bailey	J. Murray Blue	Charles W. Buchanan
John Rhea Banton	J. C. Bradley	Harry M. Caudill
Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.	Cassius M. Clay
	Edward O. Bridgers	William J. Conley

R. Josh Cosby
W. Marvin Davis
Albert Dempsey
C. E. Dowell
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Henry R. Heyburn
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Damon Majors
William C. Mann
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
T. D. Winstead
Charles W. Wirsch
Walker H. Wiseman
Paul E. Young
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Those who voted in the negative were—

Harold G. Helm
Lon C. Hill
Caleb McFadden
James Treadway
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Resolved that the title thereof be as aforesaid.

Mr. Wathen moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 203. AN ACT relating to public securities and authorizing the execution thereof by facsimile signatures and seals, providing at least one signature thereon shall be manually subscribed.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Public securities heretofore or hereafter authorized to be issued and delivered at any one time in a principal amount of Five Million Dollars ($5,000,000) or more may be executed with an engraved, imprinted, stamped or otherwise reproduced facsimile of any signature, seal or other means of authentication, certification or endorsement required or permitted to be recorded thereon, if so authorized by the board, body or officer empowered by law to authorize the issuance of such securities, provided that at least one signature required or permitted to be placed thereon shall be manually subscribed.

Section 2. The words "public securities" as used herein shall mean bonds, notes or other obligations for the payment of money issued by this State, by its political subdivisions, or by any department, agency or other instrumentality of this State or of any of its political subdivisions.

Section 3. This Act shall not repeal any other law authorizing the execution of public securities with facsimile signatures or seals.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance wit hthe provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
Walter J. Bailey
John Rhea Banton
Charles E. Baumgardner, Sr.
Owen Billington
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Cassius M. Clay
William J. Conley
Albert Dempsey
C. E. Dowell
O. O. Duncan
Harold Edmonds
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Ralph E. McClanahan
Caleb McFadden
Damon Majors
William C. Mann
Carl D. Melton
Robert K. Montgomery
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Roger E. Qualls
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
LeRoy Saylor
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
James Treadway
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Walker H. Wiseman
Paul E. Young

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The Speaker, Mr. Burnley, having vacated the chair, Mr. Morgan assumed the chair as Speaker pro tem.

ENROLLMENT COMMITTEE REPORT

Mrs. Stovall, Chairman of the Committee on Enrollment, to

which same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

S. B. No. 13. AN ACT amending Section 145 of the Constitution of the Commonwealth.

S. B. No. 98. AN ACT relating to powers of cities and counties containing a city of first class, with reference to repair and maintenance of buildings within such county.

S. B. No. 100. AN ACT relating to public printing.

S. B. No. 109. AN ACT relating to the salaries of board of aldermen of cities of first class.

S. B. No. 111. AN ACT relating to abandoned cemeteries within cities of the first class.

S. B. No. 121. AN ACT relating to the purposes for which proceeds of bonds issued to meet the needs of city universities and colleges may be used.

S. B. No. 226. AN ACT relating to the number of retail package liquor licenses and retail drink licenses in cities of the first class.

S. B. No. 140. AN ACT relating to the State Library service and distribution of public books.

S. B. No. 227. AN ACT relating to location of retail package liquor and retail drink licenses in cities of the first class.

S. B. No. 138. AN ACT relating to the Kentucky Historical Society.

S. B. No. 137. AN ACT relating to highways and financing thereof.

S. B. No. 166. AN ACT empowering cities of second class to pass legislation providing for pensions of police court judges.

S. B. No. 242. AN ACT relating to probation and parole.

S. B. No. 243. AN ACT relating to probation and parole.

S. B. No. 244. AN ACT relating to Circuit Court Stenographers, reporters, etc.

S. B. No. 130. AN ACT relative to powers of first class cities.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of the Senate return said bills to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 154. AN ACT relating to establishment and maintenance of county drainage districts for the drainage of surface water in all parts of the county.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The county court in each county of this Commonwealth, wherein the fiscal court has requested it, is hereby authorized to establish a county-wide surface water drainage district for the entire county including all municipalities. The cost of procuring the necessary rights-of-way and the construction and maintenance of such county-wide drainage district shall be paid by the fiscal court out of the annual levy for county taxes. When the fiscal court undertakes such a project it may acquire for the county by contract or condemnation any land necessary to carry out the project. If condemnation proceedings are necessary they shall be conducted in the manner provided in KRS 416.010 to 416.080.

Section 2. The administration of this district shall be exclusively by or within the fiscal court of said county, and the fiscal court is hereby authorized and empowered to employ such assistants, including commissioners or superintendent, and other employees as may be necessary for the construction, maintenance and continued operation of said system, and shall fix the salaries of all employees to be paid as other county employees are paid.

Section 3. In the construction and maintenance of such drainage system the fiscal court is authorized and empowered, as a part of the cost of construction and maintenance of said system, to build or construct such bridges and culverts over and across the ditches or canals of this system as in the opinion of the fiscal court are necessary.

Section 4. Nothing herein contained shall authorize or empower the construction or maintenance of a sanitary sewer system or sanitary sewers.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	J. Murray Blue	O. O. Duncan
Wallace Bartley	J. C. Bradley	Harold Edmonds
John Rhea Banton	Edward T. Breathitt, Jr.	Addison L. Everett
Wallace Bartley	John Young Brown	Herbert Fern
Charles E. Baumgardner, Sr.	Harry M. Caudill	Thomas P. Fitzpatrick
Owen Billington	William J. Conley	Cabell D. Francis
Leo A. Bleemel	R. Josh Cosby	W. L. Hadden
	C. E. Dowell	C. Ruby Harralson

George F. Harris
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Damon Majors
George R. Martin
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Roger E. Qualls
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Mrs. Randolph Wilson
T. D. Winstead
Charles W. Wirsch
Paul E. Young
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Those who voted in the negative were—

Harold G. Helm
Varna Holt
Caleb McFadden
Alton B. Mitchell
LeRoy Saylor
James Treadway
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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 204. AN ACT relating to purchase by fiscal courts, of equipment for sheriffs and deputies.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The fiscal court of any county may purchase mobile radio communication equipment for the use of the sheriff and deputies of that county if it deems the purchase of such equipment to be to the best interest of the county, considering the county finances and other permissible expenditures.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
W. Marvin Davis
Albert Dempsey
C. E. Dowell
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
George F. Harris
Harold G. Helm
David Heskamp
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
Varna Holt
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Caleb McFadden
Damon Majors
William C. Mann
George R. Martin
Carl D. Melton
Alton B. Mitchell
Robert K. Montgomery
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Louis T. Peniston
Edward D. Pollitte

Roger E. Qualls	Cecil C. Sanders	William B. Wells
Paul T. Ratcliffe	LeRoy Saylor	Mrs. Randolph Wilson
Jack Raybourne, Jr.	W. R. Smith	T. D. Winstead
Hobart Rayburn	Mrs. Thelma L. Stovall	Charles W. Wirsch
Robert Reid	E. H. Stumbo	Walker H. Wiseman
Russell Reynolds	C. Waitman Taylor	Paul E. Young
Lloyd E. Rogers	Will Tom Wathen	
Joe Rouse	W. W. Webster	
William A. Routh		—73

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 299. AN ACT relating to motor transportation and motor vehicles.

With Senate amendment attached thereto.

With the request that the House concur in said amendment.

H. B. No. 290. AN ACT providing for the regulation of the practice of optometry; etc.

With Senate amendment attached thereto.

With the request that the House concur in said amendment.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 104. AN ACT providing for the regulation of the practice of ophthalmic dispensing; etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Definitions.

"Board" as used in this Act shall mean the "Kentucky Board of Ophthalmic Dispensers."

"Ophthalmic Dispensing". A person practices ophthalmic dispensing within the meaning of the provisions of this act relating to ophthalmic dispensers, who prepares and dispenses lenses, spectacles, eyeglasses and/or appurtenances thereto to the intended wearers thereof on written prescriptions from physicians, osteopaths or optometrists duly licensed to practice their profession, and in accordance with such prescriptions, interprets, measures, adapts, fits and adjusts such lenses, spectacles, eyeglasses and/or appurtenances thereto to the human face for the aid or correction of visual or ocular anomalies of the human eyes. The services and appliances relating to ophthalmic dispensing shall be dispensed, furnished or supplied to the intended wearer or user thereof only upon written prescription issued by a physician, osteopath or optometrist; but duplications, replacements, reproductions or repetitions may be done without prescriptions, in which event any such act shall be construed to be ophthalmic dispensing the same as if performed on the basis of an original written prescription.

2. On and after January 1, 1955, no person shall engage in the practice of ophthalmic dispensing as defined in this Act unless he is duly licensed to practice medicine, osteopathy or optometry in this Commonwealth or unless he is the holder of a license as an ophthalmic dispenser; Provided, this section shall not be so construed as to prohibit a firm or corporation from operating a business which comes within the meaning of ophthalmic dispensing, as defined in Section 1 of this Act, if each of its employees either (1) coming in contact with the public and performing for the public any service or services included within the meaning of ophthalmic dispensing, or (2) otherwise performing any work or service required by this Act to be performed by an ophthalmic dispenser, is the holder of a license as an ophthalmic dispenser.

3. A license as an ophthalmic dispenser shall be issued by the Board to any person who pays a fee of Twenty-five ($25.00) Dollars and submits evidence under oath satisfactory to the Board—

(a) That he is more than twenty-one years of age and of good moral character;

(b) That he has at least two years of satisfactory training and experience in ophthalmic dispensing under the supervision of an ophthalmic dispenser, physician, osteopath or optometrist, or is a graduate of an accepted school of ophthalmic dispensing;

(c) That he has passed a satisfactory examination in ophthalmic dispensing given by the Board.

4. The Board shall issue an "ophthalmic dispenser" license to any person who makes application therefor prior to January 1, 1955, and submits evidence under oath satisfactory to the Board that he is more than twenty-one years of age and of good moral character; that he was actually principally engaged as an ophthalmic dispenser in this state on December 31, 1953, and so principally engaged for at least one year prior thereto.

If any person who so desires to secure a license without examination as provided above shall be in the Armed Forces on January 1, 1955, and who, at the time of his induction into the Armed Forces, was actually principally engaged as an ophthalmic dispenser, his time to make application shall be extended until six months after the date of his discharge or release from active duty from such Armed Forces.

5. Nothing in this Act shall be construed to authorize or permit any ophthalmic dispenser to hold himself out as being able to, or to either offer, undertake or attempt, by any means or method, to examine or exercise eyes, to fit contact lenses, or to diagnose, treat, correct, relieve, operate or prescribe for any human ailment, deficiency, deformity, disease, injury, pain or physical condition except that an ophthalmic dispenser holding a license as such issued hereunder may fit contact lenses under the supervision of a physician, osteopath or optometrist.

6. Nothing in the provisions of this Act relating to ophthalmic dispensing shall be construed to limit or restrict, in any respect, the practice of medicine by duly licensed physicians or the practice of osteopathy by duly licensed osteopaths or the practice of optometry by duly licensed optometrists, and such licensed physician, osteopath or optometrist shall have all the

rights and privileges which may accrue under the provisions of this Act to ophthalmic dispensers licensed hereunder.

7. This Act shall not be construed to prohibit an unlicensed person from performing mechanical work upon inert matter in an optical office, laboratory or shop.

8. Persons, firms and corporations that sell completely assembled eyeglasses or spectacles without advice or aid as to the selection thereof, as merchandise, from permanently located or established places of business shall not be subject to this Act.

9. Physicians, osteopaths and optometrists shall have the right to practice ophthalmic dispensing without qualifying under this Act and shall not be subject to any of the provisions herein.

10. A license to practice ophthalmic dispensing shall be renewed each year by the payment of a fee of Ten ($10.00) Dollars, unless such license has been suspended or revoked by the Board.

11. There is hereby created a Board of Ophthalmic Dispensers to be known as the "Kentucky Board of Ophthalmic Dispensers". It shall consist of five members to be appointed by the Governor, two members of which shall be licensed medical physicians or osteopaths experienced in the treatment and examination of eyes. The other three members shall be licensed ophthalmic dispensers except that on the original Board the three ophthalmic dispensers need not be licensed ophthalmic dispensers, but must be persons experienced in ophthalmic dispensing and must be licensed as ophthalmic dispensers by the Board to hold their positions. They shall not pass upon their own qualifications. The Board shall elect one of its members chairman and one member secretary-treasurer. These officers shall serve at the pleasure of the Board.

Two members of the Board shall serve for two years from the date of their appointment and qualification and the other three members shall serve for a period of four years from the date of their appointment and qualification. At the expiration of the term of office of any member, the Governor shall appoint a successor for a term of four years. The Board shall serve without compensation.

The Board shall have the right to make reasonable rules and regulations to carry out the purposes and provisions of this Act. It may provide for the licensing of apprentice ophthalmic dispensers.

12. The Board may suspend or revoke any license to practice ophthalmic dispensing for any of the following causes:

(a) The conviction of a felony involving moral turpitude;

(b) Chronic or persistent inebriety or addiction to a drug habit, to an extent that disqualifies from practicing with safety to the public;

(c) Fraud or deception in the application or in the examination for the license;

(d) Violation of this Act.

13. No license shall be suspended or revoked until after a hearing before the Board upon notice to the license holder of at least ten days. The notice shall be served either personally or by registered mail and shall state the date and place of the hearing and set forth the ground or grounds constituting the charges against the license holder. The license holder shall be heard in his defense either in person or by counsel and may produce witnesses and testify in his own behalf.

14. A licensee, whose license has been suspended or revoked by the Board, may appeal from the suspension or revocation order within thirty days of such order to the Circuit Court in the county in which the licensee is practicing. The procedure shall be the same as in a civil appeal from a county court to a circuit court. The trial in the circuit court shall be de novo, and an appeal may be taken by either side to the Court of Appeals as in a civil action. The judgment or order of the Board, suspending or revoking the license, shall be stayed, pending a final adjudication by the courts.

15. All fees imposed and collected under the provisions of this Act shall be paid to the Secretary-Treasurer of the Board for the use of the Board, and shall be deposited in the State Treasury to the credit of an agency fund for the use of the Board.

16. Penalties. Any person who shall directly or indirectly engage in the practice of ophthalmic dispensing or hold himself out

to the public as being able so to do, or who shall violate any of the provisions of this Act relating to ophthalmic dispensing, or having had his license suspended or revoked shall continue to engage in the practice of ophthalmic dispensing, or who directly or indirectly employs, permits or authorizes an unlicensed person to engage in the practice of ophthalmic dispensing shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment for not more than thirty days, or by a fine of not more than one hundred dollars or by both such fine and imprisonment, and each such violation shall be deemed a separate offense.

Mr. Brown moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Brown moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Leo A. Bleemel	Charles W. Buchanan
John Rhea Banton	J. Murray Blue	Harry M. Caudill
Wallace Bartley	J. C. Bradley	Paul Cobb
Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.	William J. Conley
Owen Billington	Edward O. Bridgers	R. Josh Cosby
	John Young Brown	Vernor O. Cottengim

W. Marvin Davis
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Estill R. Hilton
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
George R. Martin
Carl D. Melton
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
Walker H. Wiseman
Paul E. Young

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Those who voted in the negative were—

Albert Dempsey
Harold G. Helm
Lon C. Hill
James W. Lambert
William C. Mann
William J. Marcum
Roger E. Qualls
LeRoy Saylor
James Treadway
Dr. Clyde D. Wooton

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Resolved that the title thereof be as aforesaid.

Mr. Brown moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 190. AN ACT relating to revenue and taxation.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 140.060 of Kentucky Revised Statutes, 1953 edition, is amended to read as follows:

All transfers to educational, religious or other institutions, societies, or associations, whose sole object and purpose are to carry on charitable, educational, or religious work, all transfers for or upon trust for any charitable, educational, or religious purpose, and all transfers to cities, and towns or public institutions in this state for public purposes shall be exempt from the tax imposed by this Chapter. But no such corporation or association shall be entitled to such exemption if any officer, member, stockholder or employee thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of such purposes or as proper beneficiary of its strictly charitable purpose; or if the organization thereof, for any such avowed purpose, be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association, or for any of its members or employees, or if it be not in good faith organized or conducted exclusively for one or more of such purposes.

Mr. Brown moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Brown moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Thomas P. Fitzpatrick	Foster Ockerman
John Rhea Banton	Cabell D. Francis	Louis T. Peniston
Wallace Bartley	W. L. Hadden	Edward D. Pollitte
Charles E. Baumgardner, Sr.	C. Ruby Harralson	Paul T. Ratcliffe
Owen Billington	George F. Harris	Jack Raybourne, Jr.
Leo A. Bleemel	David Heskamp	Hobart Rayburn
J. Murray Blue	Estill R. Hilton	Robert Reid
J. C. Bradley	Chester J. Holsclaw	Lloyd E. Rogers
Edward T. Breathitt, Jr.	William L. Jones	Joe Rouse
Edward O. Bridgers	Jennings H. Kearby	William A. Routh
John Young Brown	Talmage Lacy	Cecil C. Sanders
Charles W. Buchanan	Harry King Lowman	W. R. Smith
Harry M. Caudill	Shelby McCallum	Mrs. Thelma L. Stovall
Paul Cobb	Ralph E. McClanahan	E. H. Stumbo
William J. Conley	Caleb McFadden	C. Waitman Taylor
R. Josh Cosby	Damon Majors	Eulick Walsh
Vernor O. Cottengim	George R. Martin	Will Tom Wathen
W. Marvin Davis	Robert K. Montgomery	W. W. Webster
Harold Edmonds	Walter R. Moorman	Morris Weintraub
Addison L. Everett	Fred Morgan	William B. Wells
Herbert Fern	Thomas J. Murphy	Mrs. Randolph Wilson
	Goebel W. Newsom, Jr.	Walker H. Wiseman
		Paul E. Young

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Those who voted in the negative were—

Albert Dempsey	William C. Mann	LeRoy Saylor
Harold G. Helm	William J. Marcum	James Treadway
Lon C. Hill	Carl D. Melton	Dr. Clyde D. Wooton
James W. Lambert	Roger E. Qualls	

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Resolved that the title thereof be as aforesaid.

Mr. Brown moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 195. AN ACT relating to child desertion.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 435.240 (3), paragraph (a) of the Kentucky Revised Statutes is hereby amended to read as follows:

(a) If a divorce has been granted by a court of competent jurisdiction, and thereafter the parent of any child under the age of sixteen years shall fail to comply with the orders of the court relative to the maintenance or support of the child as set forth in the judgment granting the divorce, while said child is in indigent or destitute circumstances, or if the parent having the custody of such child under the orders of the court shall abandon or desert the child, leaving said child in indigent or destitute circumstances, or if a parent not having the custody of the child shall take and carry away the child from the custody of the parent or other person to whom the custody of the child was awarded by the judgment of divorce, or by a subsequent order of the court amending the judgment, without the consent of the parent or other person having custody, the parent so doing shall be deemed guilty of a felony and upon conviction shall be confined in the penitentiary for not less than one nor more than five years, provided that this paragraph shall apply only to judgments, decrees, or orders granted subsequently.

Mr. Brown moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Brown moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Foster Ockerman
John Rhea Banton	W. L. Hadden	Louis T. Peniston
Wallace Bartley	C. Ruby Harralson	Edward D. Pollitte
Charles E. Baumgardner, Sr.	George F. Harris	Paul T. Ratcliffe
Owen Billington	David Heskamp	Jack Raybourne, Jr.
Leo A. Bleemel	Estill R. Hilton	Hobart Rayburn
J. Murray Blue	Chester J. Holsclaw	Robert Reid
J. C. Bradley	William L. Jones	Lloyd E. Rogers
Edward T. Breathitt, Jr.	Jennings H. Kearby	Joe Rouse
Edward O. Bridgers	Talmage Lacy	William A. Routh
John Young Brown	Harry King Lowman	Cecil C. Sanders
Charles W. Buchanan	Shelby McCallum	W. R. Smith
Harry M. Caudill	Ralph E. McClanahan	Mrs. Thelma L. Stovall
Paul Cobb	Caleb McFadden	E. H. Stumbo
William J. Conley	Damon Majors	C. Waitman Taylor
R. Josh Cosby	George R. Martin	Eulick Walsh
Vernor O. Cottengim	Carl D. Melton	Will Tom Wathen
W. Marvin Davis	Robert K. Montgomery	W. W. Webster
Harold Edmonds	Walter R. Moorman	Morris Weintraub
Addison L. Everett	Fred Morgan	William B. Wells
Herbert Fern	Thomas J. Murphy	Mrs. Randolph Wilson
Thomas P. Fitzpatrick	Goebel W. Newsom, Jr.	Walker H. Wiseman
		Paul E. Young

—67

Those who voted in the negative were—

Albert Dempsey	Harold G. Helm	Lon C. Hill

James W. Lambert	Roger E. Qualls	James Treadway
William C. Mann	LeRoy Saylor	Dr. Clyde D. Wooton
William J. Marcum		—10

Resolved that the title thereof be as aforesaid.

Mr. Brown moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 230. AN ACT relating to prior service credit for Teachers' Retirement purposes for veterans of World War I.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any honorably discharged veteran of World War I who is a member of the Teachers Retirement System in good standing, may receive prior service credit for such military service, not to exceed an enlistment of four years, upon presenting his discharge papers or a certified photostatic copy of the same to the Board of Trustees of the Teachers Retirement System and their acceptance of this or other sufficient evidence as to the validity of the miiltary service presented for credit. In no case shall any member receive credit for more than thirty years of prior service including any military service accredited.

Mr. Brown moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Brown moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Cabell D. Francis	Foster Ockerman
John Rhea Banton	W. L. Hadden	Louis T. Peniston
Wallace Bartley	C. Ruby Harralson	Edward D. Pollitte
Charles E. Baumgardner, Sr.	George F. Harris	Paul T. Ratcliffe
Owen Billington	David Heskamp	Jack Raybourne, Jr.
Leo A. Bleemel	Estill R. Hilton	Hobart Rayburn
J. Murray Blue	Chester J. Holsclaw	Robert Reid
J. C. Bradley	William L. Jones	Lloyd E. Rogers
Edward T. Breathitt, Jr.	Jennings H. Kearby	Joe Rouse
Edward O. Bridgers	Talmage Lacy	William A. Routh
John Young Brown	Harry King Lowman	Cecil C. Sanders
Charles W. Buchanan	Shelby McCallum	W. R. Smith
Harry M. Caudill	Ralph E. McClanahan	Mrs. Thelma L. Stovall
Paul Cobb	Caleb McFadden	E. H. Stumbo
William J. Conley	Damon Majors	C. Waitman Taylor
R. Josh Cosby	George R. Martin	Eulick Walsh
Vernor O. Cottengim	Carl D. Melton	Will Tom Wathen
W. Marvin Davis	Robert K. Montgomery	W. W. Webster
Harold Edmonds	Walter R. Moorman	Morris Weintraub
Addison L. Everett	Fred Morgan	William B. Wells
Herbert Fern	Thomas J. Murphy	Mrs. Randolph Wilson
Thomas P. Fitzpatrick	Goebel W. Newsom, Jr.	Walker H. Wiseman
		Paul E. Young

—67

Those who voted in the negative were—

Albert Dempsey	Harold G. Helm	Lon C. Hill

James W. Lambert	Roger E. Qualls	James Treadway
William C. Mann	LeRoy Saylor	Dr. Clyde D. Wooton
William J. Marcum		—10

Resolved that the title thereof be as aforesaid.

Mr. Brown moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 245. AN ACT to amend Section 243.090 of the Kentucky Revised Statutes ito provide for the suspension or the revocation of alcoholic beverage licenses for offenses committed prior to June 30 of each year.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 243.090 is hereby amended to read as follows:

(1) All licenses issued under K.R.S. 243.020 to 243.670 shall expire on June 30 of each year.

The renewal by the department of the certificate or permit of any alcoholic beverage licensee shall not be construed to be a waiver or condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee therefor.

Mr. Brown moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Brown moved that the Constitutional provision as to

the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
Paul Cobb
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
David Heskamp
Estill R. Hilton
Chester J. Holsclaw
William L. Jones
Jennings H. Kearby
Talmage Lacy
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
Damon Majors
George R. Martin
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
Robert Reid
Lloyd E. Rogers
Joe Rouse
William A. Routh
Cecil C. Sanders
W. R. Smith
Mrs. Thelma L. Stovall
E. H. Stumbo
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
Morris Weintraub
William B. Wells
Mrs. Randolph Wilson
Walker H. Wiseman
Paul E. Young

—66

Those who voted in the negative were—

Albert Dempsey	William C. Mann	LeRoy Saylor
Harold G. Helm	William J. Marcum	James Treadway
Lon C. Hill	Carl D. Melton	Dr. Clyde D. Wooton
James W. Lambert	Roger E. Qualls	—11

Resolved that the title thereof be as aforesaid.

Mr. Brown moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the hands of the Chief Clerk a bill of the following title, viz:

H. B. No. 299. AN ACT relating to motor transportation and motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 281.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) The term "person" means any individual, firm, partnership, corporation, company, association or joint stock association, and includes any trustee, assignee, or personal representative thereof.

(2) The term "department" means the Department of Motor Transportation.

(3) The term "certificate" means a certificate of public convenience and necessity issued under this chapter to common carriers by motor vehicle authorizing their operation thereunder.

(4) The term "permit" means a permit issued under this chapter to contract carriers by motor vehicle and to persons engaging in the business of U-Drive-It.

(5) The term "state" means the Commonwealth of Kentucky.

(6) The term "interstate commerce" means commerce between any place in a state and any place in another state.

(7) The term "intrastate commerce" means commerce between any place in this state and any other place in this state.

(8) The term "highway" means all public roads, highways, streets and ways in this state, whether within a municipality or outside of a municipality.

(9) The term "city" means a municipality incorporated under the laws of this state.

(10) The term "motor vehicle" means any motor propelled vehicle used for the transportation of persons or property for hire on a public highway, including any such vehicle operated as a unit in combination with other vehicles, and including vehicles propelled by electric power obtained from overhead wires whether operating over rails or otherwise.

(11) The term "common carrier by motor vehicle" means any person who holds himself out to the general public to engage in the transportation by motor vehicle of persons or property in intrastate or interstate commerce over regular routes, except that persons holding irregular route common carrier authority granted by the Interstate Commerce Commission, taxicabs, and local cartage vehicles are not required to move over regular routes.

(12) The term "contract carrier by motor vehicle" means any person who, under individual contracts of agreements, engages in the transportation, other than transportation referred to in subsection (11) of this section, by motor vehicle of passengers or property in interstate or intrastate commerce.

(13) The term "carrier" or "motor carrier" means any person who owns, controls, operates, manages, or leases, except persons leasing to authorized carriers, any motor vehicle for the transportation of persons or property for hire upon any highway, and any person who engages in the business of U-Drive-It. It shall include common and contract carriers by motor vehicle, city and suburban buses, driveaways and U-Drive-Its.

(14) (a) A "city bus certificate" means a certificate granting authority only for the operation of motor vehicles transporting passengers for hire between points within the corporate limits of a city and over regular routes.

(b) A "city bus" is a motor vehicle operated under one or more city bus certificates.

(c) The term "city bus license" means a license plate issued for a bus authorizing its operation under one or more city bus certificates or a combination of city bus certificates and suburban bus certificates.

(15) (a) A "suburban bus certificate" means a certificate granting authority only for the operation of motor vehicles carrying passengers for hire within the confines of either one or more cities and their suburban area, or a suburban area, over regular routes but not granting authority to engage in intracity transportation.

(b) A "suburban bus" is a motor vehicle operated under one or more suburban bus certificates.

(c) The term "suburban bus license" means a license plate issued for a bus authorizing its operation under one or more suburban bus certificates.

(16) "Suburban area" means territory wholly within the State of Kentucky which extends not more than two air miles beyond the corporate limits of any municipality and one mile additional for each fifty thousand population or major fraction thereof, and, where one or more municipalities are contiguous or adjoining, the combined population of such contiguous or adjoining municipalities shall be considered in determining the suburban area of each such contiguous or adjoining municipality; provided, however, the department may, from time to time, upon a showing as hereinafter provided, authorize and permit the holder of a suburban bus certificate to extend its operations beyond the territorial limits of any such city or cities for a distance not to exceed ten air miles, if said department finds:

(a) That the territory proposed to be served adjoins or is contiguous to said city; and

(b) That the territory proposed to be served has such density of population and that the physical, business, economic

and social interest is such as to make it an integral part of the city to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a suburban bus certificate.

(17) "Commercial area" means territory wholly within the State of Kentucky which extends not more than two air miles beyond the corporate limits of any municipality and one mile additional for each fifty thousand population or major fraction thereof, and, where one or more municipalities are contiguous or adjoining, the combined population of such contiguous or adjoining municipalities shall be considered in determining the commercial area of each such contiguous or adjoining municipality; provided, however, the department, may, from time to time, upon a showing, as hereinafter provided, authorize and permit the holder of a certificate authorizing the transportation of property to extend its operations beyond the territorial limits of any such city or cities for a distance not to exceed ten air miles, if said department finds:

(a) That the territory proposed to be served adjoins or is contiguous or is contiguous to said city; and

(b) That the territory proposed to be served has such density of population and that the physical, business, economic and social interest is such as to make it an integral part of the city to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a certificate authorizing the transportation of property.

(18) The term "U-Drive-It" means any person who leases or rents a motor vehicle for a consideration to be used for the transportation of persons or property, but for which no driver is furnished, and the use of which motor vehicle is not for the transportation of persons or property for hire by the lessee or rentee.

(19) (a) The term "taxicab certificate" means a certificate granting authority only for the operation of a given number of motor vehicles transporting passengers for hire, the principal operation of which is confined to the corporate limits of one city

and its suburban area, and not operating over any regular route, and the destination of which motor vehicles are designated by the passengers at the time of such transportation.

(b) A "taxicab" is a motor vehicle operated under one or more taxicab certificates, and is a vehicle designed or constructed to transport not more than than six passengers exclusive of the driver.

(c) The term "taxicab license" means a license plate issued to a taxicab authorized to operate under a taxicab certificate.

(20) (a) The term "local cartage certificate" means a certificate granting authority only for the operation of motor vehicles exclusively engaged in the transportation of property for hire between points within a city or within a city and its commercial area. It shall not include the pick-up or delivery service rendered by the holder of any other type of certificate issued by the department.

(b) A "local cartage vehicle" is a motor vehicle operated under a local cartage certificate.

(21) (a) An "airport limousine certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting passengers or baggage for hire over regular routes between points within a city or its suburban area and an airport.

(b) An "airport limousine" is a motor vehicle operated under one or more airport limousine certificates.

(c) The term "airport limousine license" means a license plate issued for a motor vehicle authorizing its operation under one or more airport limousine certificates.

(22) (a) An "industrial bus certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting employes of a given industry or industries for hire to and from their place of employment.

(b) An "industrial bus" is a motor vehicle operated under an industrial bus certificate.

(c) The term "industrial bus license" means a license plate issued for a bus authorizing its operation under an industrial bus certificate.

(23) The term "exempted commodites" means such commodities that are normally and usually not transported by common carriers by motor vehicle.

(24) The term "driver" or "chauffeur" means the person physically operating the motor vehicle.

(25) The term "regular seat" means a seat ordinarily and customarily used by one passenger and in determining such seating capacity the manufacturer's rating may be considered.

(26) The term "driveaway" means the transporting and delivering of motor vehicles under their own power or by means of a full mount method, the saddle mount method, the tow bar method or any combination of them, over the highways of this state from any point of origin to any point of destination for hire.

(27) The term "wrecker" means a motor vehicle designed or constructed for the hauling or towing of wrecked or disabled motor vehicles when employed for that purpose and where such hauling or towing is not an incident to the primary activity of repair or reconstruction of the wrecked or disabled vehicles.

Section 2. Section 281.605 of the Kentucky Revised Statutes is amended to read as follows:

(1) The provisions of this chapter shall not apply, except as to the safety regulations, to:

(a) Motor vehicles used as school buses and while engaged in the transportation of students, under the supervision and control and at the direction of school authorities;

(b) Motor vehicles, regardless of ownership, used exclusively:

1. For the transportation of agricultural and dairy products, including fruit, livestock, meats, fertilizer, wood, lumber, cotton, products of grove or orchard, poultry and eggs, while owned by the producer of the products, including landlord where the relation of landlord and tenant or landlord and cropper is involved, from the farm to a market, warehouse, dairy or mill, or from one market, warehouse, dairy or mill to another market, warehouse, dairy or mill; or

2. For the transportation of agricultural and dairy products, livestock, farm machinery, feed, fertilizer, and other materials and supplies essential to farm operation, from market or shipping terminal to farm; or

3. For both the purposes described in sub-paragraphs (1) and (2) of this paragraph; or

4. For the transportation of agricultural and dairy products from farm to regularly organized fairs and exhibits and return;

(c) Motor vehicles used exclusively as church buses and while operated in the transportation of persons to and from a church or place of worship or for other religious work under the supervision and control and at the direction of church authorities;

(d) Motor vehicles used exclusively in transporting materials, supplies and equipment for the construction, reconstruction or maintenance of any public highway, road or street in this state;

(e) Motor vehicles used exclusively for the transportation of property for hire and operated exclusively within a city or within a city and its commercial area; provided, however, that no such motor vehicle shall be entitled to this exemption of license taxes unless it is operated under the authority of one of the various types of certificates issued by the department.

(f) Motor vehicles used exclusively for the transportation of property belonging to a nonprofit cooperative association or its members where the vehicle is owned or leased exclusively by the association;

(g) Motor vericles owned in whole or in part by any person and used by such person to transport petroleum products and those incidental supplies used or sold in connection with the wholesale or retail sale of such pertoleum products of which petroleum products or incidental supplies, such person is the owner, lessee, consignee, or bailee; provided, however, that such transportation is for the purpose of sale, lease, rent, or bailment, and is an incidental adjunct to an established private business owned and operated by such person in the furtherance of any commercial enterprise other than the business of transportation of property for hire.

Section 3. Section 281.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every applicant for a certificate or permit or for amendment or transfer or sale or change in route or abandonment of a certificate or permit shall apply for same to the department in such form and the application shall contain such matters as the department may prescribe.

(2) For the filing of such application the department shall receive a fee of twenty-five dollars.

Section 4. Section 281.625 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the filing of an application for a certificate or permit or for amendment or for sale, transfer or lease or for change in route or for abandonment of a certificate or permit, the department shall, within a reasonable time, fix the time and place for a hearing. At least thirty days before the hearing, the department shall mail written notice of the hearing, and of the right to file a protest, in accordance with the regulations of the department, to the applicant and every authorized carrier, including railroads, serving any part of the route proposed to be served or abandoned by the applicant. The department may also give similar notice to any other person, who, in the opinion of the department, may be interested in or affected by the granting of the application.

(2) At the time fixed in the notice the department shall hold a public hearing on the application. Any person having interest in the subject matter may, in accordance with the regulations prescribed therefor, file a protest to the granting, in whole or in part, of the application.

(3) The department, may, if the application is solely for rights previously granted by the Interstate Commerce Commission, dispense with the holding of a hearing.

(4) Persons engaged in the transportation in interstate commerce in Kentucky of any commodity exempted by the Interstate Commerce Commission from regulation shall be subject to the same Kentucky requirements and regulations as if such persons were transporting commodities not exempted by the Interstate Commerce Commission, except that in lieu of filing or register-

ing with the department a certificate of public convenience and necessity as issued by the Interstate Commerce Commission, such persons shall apply to the department for a permit or certificate restricted to interstate commerce and such a permit or certificate may be issued without a hearing.

(5) If such applicant has been granted an irregular route common carrier certificate by the Interstate Commerce Commission, the department may grant an irregular route common carrier certificate restritced to operation in interstate commerce, and on the granting of same, it shall notify the Department of Revenue of the applicant's operation.

(6) The department shall have the power to designate certain commodities as exempted commodities as defined in KRS 281.010, and may grant a permit, upon application, to transport only such exempted commodities without the holding of a hearing; and the department shall also have the power to remove any commodity so designated at any time without a hearing.

(7) The department may grant a permit, upon application, to operate a U-Drive-It as defined by KRS 281.010, without the holding of a hearing.

Section 5. Section 281.645 of the Kentucky Revised Statutes is amended to read as follows:

(1) When any application for a certificate or permit, or for an amendment thereto has been heard and denied, the department shall not accept another application concerning the same or similar routes or service until the expiration of six months from the date of the denial unless the denial was based upon the applicant's failing to show that he was fit, willing and able.

(2) In the event that at the time of denial, unless the denial was based upon the applicant's failing to show that he was fit, willing and able, there is on file with the department any other application concerning the same or similar routes or service as that denied, the department shall take no further action upon such application for a period of six months from the date of denial unless the hearing relative to such application has been concluded prior to the denial.

(3) In no event shall the provisions of subsection (1) and

(2) hereof be construed to apply to any application which the commissioner has by order dismissed without prejudice.

Section 6. Section 281.665 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Any bona fide motor carrier or its successor operating city buses as of December 31, 1949, under a valid certificate, franchise, statute, authorization, or in bona fide operation on said date, shall be entitled to such certificate or certificates and of such type or types as are defined in this chapter that cover their operations as of December 31, 1949.

(2) Any holder of any other type of valid certificate or permit issued prior to June 15, 1950, shall be entitled, upon renewal, to such certificates or permits, as the case may be, that will grant the holder thereof the same authority that the certificates or permits held on June 15, 1950, granted.

(3) All certificates or permits grandfathered shall be subject to the same limitations and restrictions as were imposed on such certificate or permit, and if the validity of any certificate or permit issued by the Division of Motor Transportation was in litigation on December 31, 1949, and is finally held to be invalid, then such certificate or permit shall not be grandfathered.

(4) Any person engaged, as of December 31, 1953, in the operation of a local cartage business as defined by KRS 281.010 (20), shall, upon application before January 1, 1956, and upon the approval of the department, be entitled to such certificate or certificates of such type or types as defined in this chapter to cover their local cartage operations as of December 31, 1953. In the event the department does not approve such application, the applicant shall be entitled to a hearing.

(5) Any person engaged, as of December 31, 1953, in the operation of an airport limousine business as defined in KRS 281.010 (21), may, upon application, be entitled to such certificate or certificates of such type or types as are defined in this chapter to cover their airport limousine operations as of December 31, 1953, and if the department so desires, it may require a hearing upon any such application to establish the applicant's rights hereunder.

(6) Any person engaged, as of December 31, 1953, in the operation of a U-Drive-It business as defined in KRS 281.010

(18) may, upon application, be entitled to such certificate or certificates of such type or types as are defined in this chapter to cover their U-Drive-It operations as of December 31, 1953, and if the department so desires, it may require a hearing upon any such application to establish the applicant's rights thereunder.

(7) Whenever the department, in the exercise of its powers pursuant to KRS 281.625, shall cease to designate any given commodity or commodities as an exempted commodity, any motor carrier operating as of the date of the department's action pursuant to a permit authorizing the transportation of such commodity or commodities, may be entitled to such authority as will thereafter authorize continuation of the same operation which was being conducted at the time of the department's action in removing the item or items.

(8) All certificates or permits grandfathered shall be subject to the same limitations and restrictions as were formerly imposed on such certificates or permits and if the validity of any certificate or permit issued by the department was or is in litigation at the time of its grandfathering date, and is finally held to be invalid, then such certificate or permit shall not be grandfathered.

Section 7. Section 281.670 of the Kentucky Revised Statutes is hereby amended to read as follows:

Whenever any motor carrier is found to be violating any of the provisions of this chapter, or any order or rule and regulation prescribed by the department pursuant thereto, or any of the laws of this state, or is found to be permitting any of its drivers or vehicles to violate any of the provisions of this chapter, or any order, or rule and regulation prescribed by the department pursuant thereto, or any of the laws of this state or is found to be unfit to carry out the duties, obligations and responsibilities of a motor carrier, the department may, upon complaint or upon its own motion, issue its order to such motor carrier notifying it to appear before the department at a fixed time and place, at which time and place the department shall have a hearing. If the department is satisfied, after a hearing, that the motor carrier has violated or refused to observe any of the provisions of this

chapter, or any order, or rule or regulation of the department, or any of the laws of this state, or has permitted any of its drivers or motor vehicles to violate any of the provisions of this chapter or any order, or rule or regulation prescribed by the department pursuant thereto, or any of the laws of this state, or has become unfit to carry out the duties, obligations and responsibilities of a motor carrier, the department may suspend, revoke, alter or amend any certificate or permit issued to such carrier. The renewal by the department of the certificate or permit of any motor carrier shall not be construed to be a waiver or condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the motor carrier therefor.

Section 8. Section 281.690 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) No common carrier shall make any change in any rate that has been duly established under this chapter except after thirty days' notice to the department, which notice shall state plainly the changes proposed to be made and the proposed effective date of such change. The carrier shall also give notice of the proposed change to other interested persons in such manner as the department directs in its rules and regulations. All proposed changes shall be shown by filing new tariffs in the form and manner prescribed by the department. The department may, in accordance with regulations prescribed therefor, upon the showing of good cause, provide for the allowance of a change in rates by holders of certificates authorizing only transportation of property upon notice less than that herein specified.

(2) Whenever any tariff setting forth a change in rates is filed, the department may, upon its own initiative, and shall, upon protest filed in accordance with the regulations of the department, enter upon a hearing concerning the lawfulness of the proposed rate. At least thirty days before the hearing the department shall mail written notice of the hearing to the applicant, the protestant and to any other person who, in the opinion of the department, may be interested in or affected by the proposed change in rate. The department may suspend the operation of the new rates for a period of not more than six months from the proposed effective date by order, giving reasons therefor. If

after the hearing the department finds the proposed rate, or any part thereof, to be unjust, unreasonable, or unjustly discriminatory, or in violation of law, the department shall determine the just and reasonable rate to be charged and shall fix the same by order.

(3) No contract carrier shall make any change in its contract filed with the department except upon the approval of the department.

Section 9. Section 281.780 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) An appeal to the Franklin Circuit Court may be taken from any final order of the department by anyone who was a party to the proceedings before it.

(2) In the case of an appeal wherein a certificate or permit has been issued or amended or revoked or suspended, the certificate or permit or its amendment shall remain in force until final disposition of the appeal.

(3) An appeal may be taken by filing a petition of appeal with the Clerk of the Franklin Circuit Court within twenty days after the rendition of the final order of the department. The petition shall state completely the grounds upon which the review is sought and shall assign all errors relied upon. The appellant shall furnish a copy of the petition to each person who was a party to the hearing before the department. Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen days after service of summons. The department shall, upon being served with the summons, and within thirty days thereafter, file a copy of the record, duly certified by the commissioner, the cost of such record to be taxed as costs upon appeal. In lieu of filing of such record, an abstract thereof may be filed if agreed to by all parties to the hearing.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

The department may prescribe appropriate and reasonable regulations with regard to the rendition of charter bus service by the holders of certificates, other than by holders of taxicab or

industrial bus certificates, authorizing the transportation of persons, as will provide, insure and maintain, safe, adequate, economic, and efficient charter bus service.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

Every certificate exclusively authorizing the transportation of property, except local cartage certificates, shall be so construed as to authorize the holder thereof to serve the commercial area of any point or points authorized to be served by the certificate, provided however, that nothing herein shall be construed to obviate or remove any specific restriction or limitation presently existing in any such certificate, and such limitation or restriction shall remain in full effect.

Section 12. A new section of the Kentucky Revised Statutes is created to read as follows:

Upon the cancellation of any bond or insurance policy required by KRS 281.655, all operating rights granted by the certificate or permit for which said bond or insurance policy was filed shall immediately abate; provided however, that if the bond or insurance policy is reinstated within thirty days from the date of cancellation the operating rights granted by the certificate or permit shall again be in force and effect, otherwise they shall become void. Upon the event of the cancellation of any bond or insurance policy or upon the event of any order of the department cancelling or suspending the operating rights granted by any certificate or permit the department is empowered to immediately require the cessation of all operations conducted under authority of the affected certificate or permit, and to require, through its agents, the surrender of all certificates, permits, licenses, and other evidence of right to act as a motor carrier.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 9, section 2, lines 33-53 inclusive by deleting lines 33-53, inclusive, and substituting in lieu thereof the following:

"(e) Motor vehicles used exclusively for the transportation of property belonging to a nonprofit cooperative association or

its members where the vehicle is owned or leased exclusively by the association;

(f) Motor vehicles owned in whole or in part by any person and used by such person to transport petroleum products and those incidental supplies used or sold in connection with the wholesale or retail sale of such petroleum products of which petroluem products or incidental supplies, such person is the owner, lessee, consignee, or bailee; provided, however, that such transportation is for the purpose of sale, lease, rent, or bailment, and is an incidental adjunct to an established private business owned and operated by such person in the furtherence of any commercial enterprise other than the business of transportation of property for hire;

(g) Motor vehicles used as a U-Drive-It only for the transportation of property operated exclusively within a city or within a city and its commercial area.

(2) The following vehicles operated by a carrier or motor carrier shall be exempt from the tax imposed by KRS 281.810; Motor vehicles registered under subsection (3) of KRS 186.050 or motor vehicles owned by any person not a resident of this state and duly registered under the laws of any other state, which when operated in this state are used exclusively for the transportation of property for hire within the corporate limits of the city named in the affidavit hereinafter required to be filed or within ten miles of the limits of such city if such city is a city of the first, second, third or fourth class, or within five miles of the limits of such city if such city is a city of the fifth or sixth class. Operation outside of this state shall not be considered in determining whether or not this exemption applies. When claiming exemption under this section, the carrier shall file with the department an affidavit stating that the motor vehicle when used in this state is to be used only for the transportation of property within the city named in the affidavit and the area above set out, and that the vehicle will not be used outside of such city and the area above set out during the current registration period. The carrier shall furnish such other information as may be required by the rules and regulations of the department, and shall otherwise be subject to the provisions of Chapter 281 of Kentucky

Revised Statutes and the rules and regulations of the Department of Motor Transportation."

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 299.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—On page 19, end of sec. 12, end of line 18 by adding the following at the end of Section 12, page 19:

Section 13. Subsection (4) of Section 186.055 of the Kentucky Revised Statutes is amended to read as follows:

(4) Motor vehicles registered under subsection (3) of KRS 186.050 or duly registered under the laws of any other state, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten miles of the limits of the city if it is a city of the first, second, third, or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, shall not be required to pay the fee as set out in this section. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provision of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming exemption of payment of the fee, the owner shall file with the County Clerk in addition to any other information that may be required an affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of the city and the area above set out during the current registration period, and that there has been printed conspicuously on each side of the vehicle in letters of distinctive color at least three inches in height the name of the owner and words "Urban Limits".

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 299.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
W. Marvin Davis
John L. Day
Albert Dempsey
James A. Dressman, Jr.
O. O. Duncan
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
W. L. Hadden
C. Ruby Harralson
George F. Harris
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
George R. Martin
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Fred Morgan
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Robert Reid

Russell Reynolds	C. Waitman Taylor	Mrs. Randolph Wilson
Joe Rouse	Eulick Walsh	T. D. Winstead
William A. Routh	Will Tom Wathen	Charles W. Wirsch
Cecil C. Sanders	W. W. Webster	Walker H. Wiseman
LeRoy Saylor	Morris Weintraub	Paul E. Young
W. R. Smith	William B. Wells	
E. H. Stumbo		

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Those who voted in the negative were—

Harold G. Helm	William C. Mann	Roger E. Qualls
David Heskamp	William J. Marcum	Hobart Rayburn
Varna Holt	Carl D. Melton	James Treadway
Caleb McFadden	Alton B. Mitchell	Dr. Clyde D. Wooton

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

SENATE MESSAGE

A message was received from the Senate that they had passed bills originating in the House as follows, viz:

H. B. No. 463. AN ACT relating to the compensation of certain public officers and employes.

With Senate amendment attached thereto.

With the request that the House concur in said amendment to H. B. No. 463.

Ordered that said bills be placed in the hands of the Chief Clerk of the House.

H. B. No. 246. AN ACT relating to the providing of facilities for circuit courts and county officers by fiscal courts in counties in which circuit court is, or may be held at two places, etc.

With Senate amendments attached thereto.

With the request that the House concur in said amendments to H. B. No. 246.

Ordered that said bills be placed in the hands of the Chief Clerk.

The House took up for consideration from the hands of the Chief Clerk a bill of the following title, viz:

H. B. No. 85. AN ACT relating to statutory liens; etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. Any person, firm or corporation who performs labor or furnishes materials or supplies for the construction, maintenance or improvement of any canal, railroad, bridge, public highway or other public improvement in this state by contract, express or implied, with the owner thereof or by subcontract thereunder shall have a lien thereon, and upon all the property and the franchises of the owner, except property owned by the state, a subdivision or agency thereof, or by any county or city. If the property improved is owned by the state or by any subdivision or agency thereof, or by any county or city the person furnishing the labor, materials or supplies shall have a lien on the funds due the contractor from the owner of the property improved. The lien shall be for the full contract price of the labor, materials and supplies furnished, and shall be superior to all other liens thereafter created.

Section II. Section 376.200 of the Kentucky Revised Statutes hereby is amended by repealing said section in its entirety and enacting in lieu thereof the following:

As used in Kentucky Revised Statutes 376.210 to 376.260 inclusive, unless the context requires otherwise:

(1) "Labor" shall include all work done by teams, trucks, machinery, and mechanical equipment, whether the owner furnishes a driver or operator or not, but it shall not include labor performed by any officer, superintendent or stockholder of any corporation even though he may perform manual labor on the public work;

(2) "Materials" shall include all materials of every kind or character used in the public improvement which shall remain as a part of the completed improvement, and all the materials substantially consumed or the value thereof substantially destroyed in making the public improvement, including explosives, gasoline, oil, grease, form lumber and other similar articles; and,

(3) "Supplies" shall include small tools and equipment reasonably necessary in performing the work required to be done, including picks, shovels, sledge hammers, axes, pulleys, wire cables, ropes, and other similar items costing not more than $50.00 per item, and tires and tubes furnished for use on vehicles engaged in the performance of the work. "Supplies" shall also include the cost of labor, materials and repair part supplied or furnished for keeping all machinery and equipment used in the performance of the work in good operating condition; and, shall include the agreed or reasonable rental price of equipment and machinery used in performing the work to be done.

Section III. The liens provided for in this Act shall be asserted, filed and enforced pursuant to and in compliance with the provisions of sections 376.210 to 376.260 both inclusive of the Kentucky Revised Statutes.

Section IV. All acts and parts of acts in conflict herewith to the extent of such conflict hereby are repealed.

With Senate amendment by way of substitute as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person, firm or corporation who performs labor or furnishes materials or supplies for the construction, maintenance or improvement of any canal, railroad, bridge, public highway or other public improvement in this state by contract, express or implied, with the owner thereof or by subcontract thereunder shall have a lien thereon, and upon all the property and the franchises of the owner, except property owned by the state, a subdivision or agency thereof, or by any county or city. If the property improved is owned by the state or by any subdivision or agency thereof, or by any county or city, the

person furnishing the labor, materials or supplies shall have a lien on the funds due the contractor from the owner of the property improved. Except as hereinafter provided, the lien shall be for the full contract price of the labor, materials and supplies furnished, and shall be superior to all other liens thereafter created.

Section 2. As used in this Act:

(1) "Labor" shall include all work done by teams, trucks, machinery, and mechanical equipment, whether the owner furnishes a driver or operator or not, but it shall not include labor performed by any officer, superintendent or stockholder of any corporation even though he may perform manual labor on the public work;

(2) "Materials" shall include all materials of every kind or character used in the public improvement which shall remain as a part of the completed improvement, and all the materials substantially consumed or the value thereof substantially destroyed in making the public improvement, including explosives, gasoline, oil, grease, form lumber and other similar articles; and,

(3) "Supplies" shall include small tools and equipment reasonably necessary in performing the work required to be done, including picks, shovels, sledge hammers, axes, pulleys, wire cables, ropes, and other similar items costing not more than $50.00 per item, and tires and tubes furnished for use on vehicles engaged in the performance of the work.

(4) "Supplies" shall also include the cost of labor, materials, and repair parts supplied or furnished for keeping all machinery and equipment used in the performance of the work in good operating condition; and, shall include the agreed or reasonable rental price of equipment and machinery used in performing the work to be done. Provided, however, that:

(a) The lien for rental of equipment or machinery shall not be more than the aggregate sum of three (3) months' rental, and the aggregate amount of such rental shall not exceed 30% of the agreed value of the machinery or equipment; and

(b) The liens under this subsection (4) of Section 2 of this Act shall be subordinate to the liens provided for in subsections

(1) to (3), both inclusive, of this Section 2 of this Act and subordinate to the liens provided for in Sections 376.210 to 376.260 of the Kentucky Revised Statutes.

Section 3. The liens provided for in this Act shall be asserted, filed and enforced pursuant to and in compliance with the provisions of Sections 376.210 to 376.260, both inclusive, of the Kentucky Revised Statutes, and shall be subject to the procedural limitations and provisions of said statutes.

Section 4. Section 376.200 of the Kentucky Revised Statutes and all other laws and parts of laws in conflict herewith, to the extent of such conflict, hereby are repealed.

Mr. Lowman moved that the House do now concur in said amendment by way of substitute to H. B. No. 85.

Said motion was agreed to by voice vote.

Said amendment by way of substitute concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Leo A. Bleemel	William J. Conley
John Rhea Banton	J. C. Bradley	R. Josh Cosby
Wallace Bartley	Edward O. Bridgers	Charles W. Craig
Charles E. Baumgardner, Sr.	John Young Brown	W. Marvin Davis
Owen Billington	Charles W. Buchanan	James A. Dressman, Jr.
	Harry M. Caudill	Harold Edmonds

Addison L. Everett	Ralph E. McClanahan	William A. Routh
Herbert Fern	Damon Majors	Cecil C. Sanders
Thomas P. Fitzpatrick	William C. Mann	W. R. Smith
Cabell D. Francis	William J. Marcum	Mrs. Thelma L. Stovall
C. Ruby Harralson	Alton B. Mitchell	C. Waitman Taylor
George F. Harris	Tom Mobley	Eulick Walsh
Harold G. Helm	Walter R. Moorman	Will Tom Wathen
Henry R. Heyburn	Eddie J. Morris	W. W. Webster
Lon C. Hill	Thomas J. Murphy	Morris Weintraub
Estill R. Hilton	Foster Ockerman	William B. Wells
Chester J. Holsclaw	Louis T. Peniston	Mrs. Randolph Wilson
Varna Holt	Paul T. Ratcliffe	T. D. Winstead
Jennings H. Kearby	Jack Raybourne, Jr.	Walker H. Wiseman
Talmage Lacy	Hobart Rayburn	Paul E. Young
Harry King Lowman	Russell Reynolds	
Shelby McCallum		

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Those who voted in the negative were—

Albert Dempsey	George R. Martin	LeRoy Saylor
James W. Lambert	Carl D. Melton	James Treadway

—6

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that the said bill be delivered to the enrolling clerk.

Mr. Lowman moved that the House recess until 1:30 P. M.

Said motion was agreed to.

The Hour of 1:30 P. M. having arrived, the Speaker resumed the chair.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 45. AN ACT relating to supervisors of taxes in cities of the fourth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 92.260 of the Kentucky Revised Statutes is hereby amended to read as follows:

The city council of each city of the fourth class shall each year appoint three discreet freeholders as supervisors of taxes, and fix their compensation at not more than ten dollars per day. The supervisors shall qualify by taking oath faithfully to perform the duties of their office without favor to rich or poor. They shall select a chairman by vote or lot, and he or either of the supervisors may administer an oath to tell the whole truth concerning his taxable property to any person appearing to have an assessment corrected.

With Senate amendment by way of substitute attached thereto.

The House took up for consideration Senate Amendment to H. B. No. 45, which is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.260 of the Kentucky Revised Statutes is hereby amended to read as follows:

The city council of each city of the fourth class shall each year appoint three discreet freeholders as supervisors of taxes, and fix their compensation at not more than ten dollars per day. The supervisors shall qualify by taking oath faithfully to perform the duties of their office without favor to rich or poor. They shall select a chairman by vote or lot, and he or either of the supervisors may administer an oath to tell the whole truth concerning his taxable property to any person appearing to have an assessment corrected.

Section 2. Subsection (1) of Section 92.510 of the Kentucky Revised Statutes is hereby amended to read as follows:

The supervisors of taxes in each city of the fourth class shall meet in the office of the assessor on the first Monday

in May of each year, and may adjourn from day to day until their work is completed, not exceeding twenty days. Ten days' notice of the place of meeting shall be given by printed notice, and no assessment shall be increased unless the taxpayer, if he lives in the city, has been cited to appear before the supervisors. The assessor shall meet with the supervisors.

Mr. Lowman moved that the House do now concur in said amendment by way of substitute to H. B. No. 45.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Senate amendment to the Committee Substitute was offered by the Committee as follows, viz:

Amendment No. 1—On page 1, section 1, by adding a period after the word "compensation" and by striking the words "at not more than ten dollars per day." immediately after the word "compensation".

Mr. Lowman moved that the House do now concur in said amendment to the Committee Substitute for H. B. No. 45.

Said motion agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Wallace Bartley	Leo A. Bleemel
John Rhea Banton	Charles E. Baumgardner, Sr.	J. C. Bradley
Clarence J. Barnum	Owen Billington	Edward T. Breathitt, Jr.

Edward O. Bridgers	William M. Horn	Foster Ockerman
John Young Brown	William L. Jones	Louis T. Peniston
Harry M. Caudill	Jennings H. Kearby	Edward D. Pollitte
William J. Conley	Talmage Lacy	Paul T. Ratcliffe
R. Josh Cosby	George H. Lovelace	Jack Raybourne, Jr.
Vernor O. Cottengim	Harry King Lowman	Hobart Rayburn
W. Marvin Davis	Shelby McCallum	L. M. Tipton Reed
Albert Dempsey	Ralph E. McClanahan	Robert Reid
James A. Dressman, Jr.	Damon Majors	Joe Rouse
Harold Edmonds	William C. Mann	William A. Routh
Addison L. Everett	Carl D. Melton	W. R. Smith
Herbert Fern	Tom Mobley	Mrs. Thelma L. Stovall
Thomas P. Fitzpatrick	Robert K. Montgomery	Eulick Walsh
Cabell D. Francis	Walter R. Moorman	Will Tom Wathen
Henry R. Heyburn	Eddie J. Morris	W. W. Webster
Lon C. Hill	Thomas J. Murphy	William B. Wells
Estill R. Hilton	Goebel W. Newsom, Jr.	T. D. Winstead
Chester J. Holsclaw		Walker H. Wiseman
		Paul E. Young

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Those who voted in the negative were—

Charles W. Buchanan	Harold G. Helm	George R. Martin
	James W. Lambert	LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 110. AN ACT relating to the office of jailer in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (Subsection 1) of Section 84.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) At the regular election every four years, beginning with 1895, the voters of the city shall elect a mayor, city treasurer, city attorney and assessor, each to hold office for four years and until his successor is elected and has qualified.

Section 2. Section 441.320 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class operating under the councilmanic form of government, the mayor may appoint a city jailer, who shall be not less than twenty-five years of age and a qualified voter in the city. He shall hold his office for a term of four years. He shall perform such duties as the general council prescribes by ordinance. His compensation for his duties shall be not less than fifteen hundred dollars nor more than twenty-five hundred dollars per annum. He may appoint a deputy, who shall perform such duties as the general council prescribes by ordinance, and whose compensation shall be not less than nine hundred dollars nor more than twelve hundred dollars per annum. All the property, machinery and equipment of the city jail shall be under the immediate control of the city jailer.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 1, section 2, line 4. Strike the following words; "mayor may appoint," insert in lieu thereof; "voters shall elect."

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 110.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Herbert Fern	Eddie J. Morris
John Rhea Banton	Thomas P. Fitzpatrick	Thomas J. Murphy
Clarence J. Barnum	Cabell D. Francis	Goebel W. Newsom, Jr.
Wallace Bartley	Henry R. Heyburn	Foster Ockerman
Charles E. Baumgardner, Sr.	Lon C. Hill	Louis T. Peniston
Owen Billington	Estill R. Hilton	Edward D. Pollitte
Leo A. Bleemel	Chester J. Holsclaw	Paul T. Ratcliffe
J. C. Bradley	William M. Horn	Jack Raybourne, Jr.
Edward T. Breathitt, Jr.	William L. Jones	Hobart Rayburn
Edward O. Bridgers	Jennings H. Kearby	L. M. Tipton Reed
John Young Brown	Talmage Lacy	Robert Reid
Harry M. Caudill	George H. Lovelace	Joe Rouse
William J. Conley	Harry King Lowman	William A. Routh
R. Josh Cosby	Shelby McCallum	W. R. Smith
Vernor O. Cottengim	Ralph E. McClanahan	Mrs. Thelma L. Stovall
W. Marvin Davis	Damon Majors	Eulick Walsh
Albert Dempsey	William C. Mann	Will Tom Wathen
James A. Dressman, Jr.	Carl D. Melton	W. W. Webster
Harold Edmonds	Tom Mobley	William B. Wells
Addison L. Everett	Robert K. Montgomery	T. D. Winstead
	Walter R. Moorman	Walker H. Wiseman
		Paul E. Young

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Those who voted in the negative were—

Charles W. Buchanan	Harold G. Helm	George R. Martin
	James W. Lambert	LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 140. AN ACT amending KRS 64.150, relating to fees of jailers and increasing certain fees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly court per day not exceeding ---------- $ 2.00

Furnishing fuel and lights to county and quarterly court, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day ---------- 2.00

Putting a prisoner in irons, for an offense other than a felony or contempt besides the cost of irons ---------- .50

Keeping and dieting prisoners in jail, in counties not containing a first-class city, when confined for an offense other than a felony or contempt of court, per day------ 1.75

Keeping and dieting prisoners in jail, in counties containing a first-class city, when confined for an offense other than a felony or contempt of court, per day------ 1.75

Imprisoning and releasing a prisoner charged with a misdemeanor ---------- .75

(2) Where the prisoner is confined for a breach of the bylaws or ordinances of a city, or for a violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt ---------- .75

Keeping and dieting a prisoner charged with a felony or contempt, per day ---------- 1.75

Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons ---------- .50

Each day's attendance upon the circuit court ------ 2.00

Furnishing fuel, light and water to the circuit court, not exceeding, per day ---------- 2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 2, section 1, subsection 3, line 33 by striking the figures "1.75" and substituting in lieu thereof the following: "1.25"

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 140.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Herbert Fern	Eddie J. Morris
John Rhea Banton	Thomas P. Fitzpatrick	Thomas J. Murphy
Clarence J. Barnum	Cabell D. Francis	Goebel W. Newsom, Jr.
Wallace Bartley	Henry R. Heyburn	Foster Ockerman
Charles E. Baumgardner, Sr.	Lon C. Hill	Louis T. Peniston
Owen Billington	Estill R. Hilton	Edward D. Pollitte
Leo A. Bleemel	Chester J. Holsclaw	Paul T. Ratcliffe
J. C. Bradley	William M. Horn	Jack Raybourne, Jr.
Edward T. Breathitt, Jr.	William L. Jones	Hobart Rayburn
Edward O. Bridgers	Jennings H. Kearby	L. M. Tipton Reed
John Young Brown	Talmage Lacy	Robert Reid
Harry M. Caudill	George H. Lovelace	Joe Rouse
William J. Conley	Harry King Lowman	William A. Routh
R. Josh Cosby	Shelby McCallum	W. R. Smith
Vernor O. Cottengim	Ralph E. McClanahan	Mrs. Thelma L. Stovall
W. Marvin Davis	Damon Majors	Eulick Walsh
Albert Dempsey	William C. Mann	Will Tom Wathen
James A. Dressman, Jr.	Carl D. Melton	W. W. Webster
Harold Edmonds	Tom Mobley	William B. Wells
Addison L. Everett	Robert K. Montgomery	T. D. Winstead
	Walter R. Moorman	Walker H. Wiseman
		Paul E. Young

—63

Those who voted in the negative were—

Charles W. Buchanan	Harold G. Helm	George R. Martin
	James W. Lambert	LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 146. AN ACT relating to the compensation of coroners, and amending Section 64.180 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Coroners shall receive, out of the county treasury, such monthly compensation as the fiscal court of each county shall fix, subject to the following minimums:

County Population	Monthly Minimum Compensation
(a) 10,000 or less	$ 25.00
(b) 10,001 to 20,000	50.00
(c) 20,001 to 40,000	75.00
(d) 40,001 to 60,000	100.00
(e) 60,001 to 100,000	125.00

(2) In counties having a population of more than 100,000 and containing a city having a population of more than 40,000, coroners shall receive, out of the county treasury, such monthly compensation as the fiscal court shall fix subject to a minimum of $200.00 per month. In addition such coroners may receive such supplemental salary as the county over 100,000 population and the city over 40,000 population may agree upon, and such supplemental salary and fees as the city may wish to pay.

Section 2. The provisions of this Act shall not apply to any coroner in office on the date it becomes effective.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On pages 1 and 2, by striking out the entire section 1 and section 2 and inserting in lieu thereof the following:

Section 1. Coroners may charge and receive a fee of twelve dollars for holding an inquest on a dead body. This sum shall be paid out of the estate of the deceased, if sufficient; if not, out of the county treasury, unless the inquest is held over an unburied body in a city containing a population of over 30,000, in which case the coroner's fees shall be paid by the city.

Section 2. For all other services, coroners shall be allowed the same fees allowed to sheriffs and constables for similar services. Section 3. In addition to the compensation provided for in the above Sections, the coroners may receive out of the county treasury such monthly compensation as the fiscal court of each county may fix.

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 146.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Young Brown	Cabell D. Francis
John Rhea Banton	Harry M. Caudill	Paul T. Ratcliffe
Clarence J. Barnum	William J. Conley	Jack Raybourne, Jr.
Wallace Bartley	R. Josh Cosby	Hobart Rayburn
Charles E. Baumgardner, Sr.	Vernor O. Cottengim	L. M. Tipton Reed
Owen Billington	W. Marvin Davis	Robert Reid
Leo A. Bleemel	James A. Dressman, Jr.	Joe Rouse
J. C. Bradley	Harold Edmonds	William A. Routh
Edward T. Breathitt, Jr.	Addison L. Everett	W. R. Smith
Edward O. Bridgers	Herbert Fern	Mrs. Thelma L. Stovall
	Thomas P. Fitzpatrick	Eulick Walsh
		Will Tom Wathen

W. W. Webster T. D. Winstead Paul E. Young
William B. Wells Walker H. Wiseman

NOTE: Official roll call form incomplete as marked at Clerk's desk.

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Those who voted in the negative were—

Charles W. Buchanan LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 169. AN ACT relating to the appointment and compensation of police court clerks in cities of the second class, and amending Section 26.570 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 26.570 of the Kentucky Revised Statutes is amended to read as follows:

The police judge in cities of the second class may appoint a clerk of his court, who shall receive a salary fixed by ordinance at not less than eighteen hundred dollars nor more than three thousand dollars per annum. Upon appointment the clerk shall be eligible for classification under the City Civil Service law as provided in Chapter 90 of the Kentucky Revised Statutes the same as other city employes.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 1, lines 5 and 6. By striking therefrom the following words: "at not less than eighteen hundred dollars nor more than three thousand dollars per annum"

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 169.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	R. Josh Cosby	William M. Horn
John Rhea Banton	Vernor O. Cottengim	William L. Jones
Clarence J. Barnum	W. Marvin Davis	Jennings H. Kearby
Wallace Bartley	Albert Dempsey	Talmage Lacy
Charles E. Baumgardner, Sr.	James A. Dressman, Jr.	George H. Lovelace
Owen Billington	Harold Edmonds	Harry King Lowman
Leo A. Bleemel	Addison L. Everett	Shelby McCallum
J. C. Bradley	Herbert Fern	Ralph E. McClanahan
Edward T. Breathitt, Jr.	Thomas P. Fitzpatrick	Damon Majors
Edward O. Bridgers	Cabell D. Francis	William C. Mann
John Young Brown	Henry R. Heyburn	Carl D. Melton
Harry M. Caudill	Lon C. Hill	Tom Mobley
William J. Conley	Estill R. Hilton	Robert K. Montgomery
	Chester J. Holsclaw	Walter R. Moorman

Eddie J. Morris	Jack Raybourne, Jr.	Eulick Walsh
Thomas J. Murphy	Hobart Rayburn	Will Tom Wathen
Goebel W. Newsom, Jr.	L. M. Tipton Reed	W. W. Webster
	Robert Reid	William B. Wells
Foster Ockerman	Joe Rouse	T. D. Winstead
Louis T. Peniston	William A. Routh	Walker H. Wiseman
Edward D. Pollitte	W. R. Smith	Paul E. Young
Paul T. Ratcliffe	Mrs. Thelma L. Stovall	

—63

Those who voted in the negative were—

Charles W. Buchanan	Harold G. Helm	George R. Martin
	James W. Lambert	LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 178. AN ACT relating to loans and scholarships for the study of medicine and making an appropriation therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting legislation relating to loans and scholarships for the study of medicine, it is the intention of the General Assembly to alleviate the shortage of physicians engaged in public health work.

Section 2. As used in this Act, unless the context requires otherwise, "Board" means the State Board of Health.

Section 3. The board shall receive and consider all applications for loans or scholarships made by students who are

bona fide residents of this Commonwealth who desire to become physicians and who are acceptable for enrollment in a medical school approved by the board. The board shall make a careful and full investigation of the ability, character and qualifications of each applicant to determine his fitness to become the recipient of such loan or scholarship. The board may examine each applicant. It may prescribe such rules and regulations as it deems necessary and proper to carry out the purpose and intent of this Act. The board may grant to each applicant deemed by the board to be qualified to receive the same, a loan or scholarship as herein provided for the purpose of acquiring a medical education upon terms and conditions imposed by the board and provided for in this Act.

Section 4. A loan or scholarship shall not exceed one thousand dollars per annum, to defray tuition and other expenses in a medical college or school approved by the board. The grant shall be based upon the condition that on or before six months from the date the applicant completes one year of internship he engage in public health work at some place within the Commonwealth approved by the board at the rate of one year for each one thousand dollars, or proportional time for lesser amounts, which shall constitute repayment of the loan or scholarship. Where the board is convinced that there is justifiable cause which the applicant could not have foreseen, the board may allow him to repay the loan or scholarship by paying in cash the full amount of the loan or scholarship plus six percent interest.

Section 5. Before being granted a loan of scholarship each applicant shall enter into a contract with the board which shall be deemed a contract with the Commonwealth of Kentucky, agreeing to the terms and conditions upon which the loan or scholarship shall be granted to him. The contract shall include such terms and provisions as will carry out the purpose and intent of this Act and shall be signed by the president of the board, countersigned by the secretary, and signed by the applicant.

Section 6. The board may cancel any contract between it and any applicant for a loan or scholarship upon any cause

deemed sufficient by the board in which event the student shall repay with six percent interest the amount of the loan or scholarship. The board may sue in its own name any person who fails to fulfill his obligations under a contract for a loan or scholarship. Refusal to comply with a decision of the board relating to the method of repayment of a loan or scholarship may constitute grounds for revocation of license as provided for in KRS 311.565.

Section 7. The board may make inquiry of medical colleges and schools, and make arrangements and enter into contracts with such institutions for the admission of students granted loans or scholarships by the board. The board may cancel any contract made with any college or school.

Section 8. Funds appropriated for the purposes of the emdical scholarship program and all sums received in repayment of loans and scholarships shall be placed in the State Treasury to the credit of a trust or agency fund for carrying out this program. Loan and scholarship payments shall be made out of this fund on a requisition to the Department of Finance signed by the secretary of the board.

Section 9. There is hereby appropriated to the board out of the General Expenditure Fund in the State Treasury the sum of five thousand dollars for the fiscal year 1954-55, and the sum of ten thousand for fiscal year 1955-56 for the purpose of carrying out the provisions of this Act.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On pages 3 & 4, section 9, lines 1 through 5 By striking Section 9 in its entirety.

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 178.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Thomas P. Fitzpatrick	Thomas J. Murphy
John Rhea Banton	Cabell D. Francis	Goebel W. Newsom, Jr.
Clarence J. Barnum	Henry R. Heyburn	Foster Ockerman
Wallace Bartley	Lon C. Hill	Louis T. Peniston
Charles E. Baumgardner, Sr.	Estill R. Hilton	Edward D. Pollitte
Owen Billington	Chester J. Holsclaw	Paul T. Ratcliffe
Leo A. Bleemel	William M. Horn	Jack Raybourne, Jr.
J. C. Bradley	William L. Jones	Hobart Rayburn
Edward T. Breathitt, Jr.	Jennings H. Kearby	L. M. Tipton Reed
Edward O. Bridgers	Talmage Lacy	Robert Reid
John Young Brown	George H. Lovelace	Joe Rouse
William J. Conley	Harry King Lowman	William A. Routh
R. Josh Cosby	Shelby McCallum	W. R. Smith
Vernor O. Cottengim	Ralph E. McClanahan	Mrs. Thelma L. Stovall
W. Marvin Davis	Damon Majors	Eulick Walsh
Albert Dempsey	William C. Mann	Will Tom Wathen
James A. Dressman, Jr.	Carl D. Melton	W. W. Webster
Harold Edmonds	Tom Mobley	William B. Wells
Addison L. Everett	Robert K. Montgomery	T. D. Winstead
Herbert Fern	Walter R. Moorman	Walker H. Wiseman
	Eddie J. Morris	Paul E. Young

—62

Those who voted in the negative were—

Charles W. Buchanan	Harold G. Helm	George R. Martin
	James W. Lambert	LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 196. AN ACT amending Section 189.390 of the Kentucky Revised Statutes relating to speed and parking of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 189.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) No operator of a vehicle upon a highway shall drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.

(2) Where no condition exists that requires lower speed for compliance with subsection (1) of this section, the speed of any vehicle not in excess of the limits specified in this section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter autohrized shall be unlawful.

(a) For all vehicles other than motor trucks, semi-trailer trucks, or motor vehicles of five horsepower or less, thirty-five miles per hour in any business or residential district, sixty miles per hour in other locations during the daytime and fifty miles per hour in other locations during the nighttime;

(b) For motor trucks and semi-trailer trucks, thirty-five miles per hour in any business or residential district, fifty miles per hour in other locations during the daytime, and forty miles per hour in other locations during the nighttime;

(c) For motor vehicles of five horsepower or less, thirty-five miles per hour in any location.

(3) Whenever the Commissioner of Highways shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or upon any part of a state highway within or without the corporate limits of a municipality, said Commissioner of Highways may determine and establish by official order a reasonable and safe speed limit at such location which shall be effective at all times or during hours of daytime or nighttime, or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or part of the state highway. In no event, however, shall said commissioner increase any speed limit established by subsection (2) of this section by more than ten miles per hour, nor shall such ten miles per hour increase permit a speed limit in any instance in excess of sixty miles per hour.

(4) (a) Whenever municipal authorities or the county court of any county determine upon the basis of an engineering and traffic investigation that the speed permitted under subsection (2) of this section is greater or less than is reasonable or safe under the conditions found to exist within the municipality or unincorporated areas of the county, such municipal authority or county court, subject to paragraph (b) of this subsection, shall determine and authorize by ordinance or order a reasonable and safe speed limit which shall be effective at all times or during hours of daytime or nighttime, or at such other times as may be determined when appropriate signs giving notice thereof are appropriately erected. In no event, however, shall said municipal authority or county court increase any speed limit established by subsection (2) of this section by more than ten miles per hour, nor shall such ten-mile-per-hour increase permit a speed limit in any instance in excess of sixty miles per hour.

(b) Alteration of speed limits on state highways within a municipality by municipal authorities or within the unincorporated areas of counties by county courts shall not be effective until such alteration has been approved by the Commissioner of Highways. In no event shall said commissioner approve any alteration which would increase any speed limit established by

subsection (2) of this section by more than ten miles per hour, nor shall such ten-mile-per-hour increase permit a speed limit in any instance in excess of sixty miles per hour.

(c) Whenever the county court of any county determines upon the basis of an engineering and traffic investigation and study that it is unsafe to park motor vehicles on or along any highway, other than a state highway, within the unincorporated areas of the county, or that in any business district the congestion of traffic justifies a reasonable limitation on the length of time any one motor vehicle is permitted to park in such district so as to reduce such congestion, then the county court may by order establish "no parking" areas on and along said highway, or limit the length of time any motor vehicle may be parked in any business district, which order or orders shall be effective at all times and during hours of daytime or nighttime and at such other times as may be determined when appropriate signs giving notice thereof are erected at such locations.

(5) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(6) The speed limitations set forth in this section shall not apply to an authorized emergency vehicle when responding to an emergency call, or when responding to but not upon returning from a fire alarm, and the driver thereof sounds audible signal by bell, siren, or exhaust whistle, and when such emergency vehicle is equipped with at least one lighted lamp exhibiting red lights visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle. This provision shall not relieve the drive of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

(7) In every charge for a violation of any speed limit specified in this section or estabilshed as herein authorized, the warrant or citation shall specify the speed at which the defendant is alleged to have driven, also the lawful speed limit applicable at the location where the violation is charged to have occurred.

(8) As used in this section, the following words and phrases shall have the meanings respectively ascribed to them:

(a) Business district—The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes which occupy 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

(b) Residential district—The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

(c) State highway—A highway or street maintained by the Department of Highways.

(d) Nighttime—The period from one-half hour after sunset until one-half hour before sunrise, and at such other periods as atmospheric conditions render visibility as low as or lower than is ordinarily the case during that period; daytime means at any other period.

(9) The signs and notices which the county judge is authorized hereby to have erected shall be paid for by the fiscal court out of the county levy.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 3, section 1 (4) (a), lines 39 through 55 inclusive. By striking the entire paragraph (4) (a) and inserting in lieu thereof the following:

(4) (a) Whenever municipal authorities or the county court of any county containing a city of the first class determine upon the basis of an engineering and traffic investigation that the speed permitted under subsection (2) of this section is greater or less than is reasonable or safe under the conditions found to exist at any location within the municipality or unincorporated areas of such county, such municipal authority or county court, subject to paragraph (b) of this subsection, shall determine and authorize by ordinance or order a reasonable and safe speed limit at such location which shall be effective at all times or during hours of daytime or nighttime, or at such other times as may be determined when appropriate signs giving notice thereof are

appropriate signs giving notice thereof are appropriately erected at such location. In no event, however, shall said municipal authority or county court increase any speed limit established by subsection (2) of this section by more than ten miles per hour, nor shall such ten-mile-per-hour increase permit a speed limit in any instance in excess of sixty miles per hour.

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 196.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—On page 3, section 1 (4) (b), line 58. By inserting after the word "counties" the words "containing a city of the first class", and after the word "courts" the word "thereof".

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 196.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 3—On page 3, section 1 (4) (c), line 65. By inserting after the word "county", as it appears for the second time in said line 65, the following:
"containing a city of the first class"

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 196.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said

bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
George R. Martin
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Joe Rouse
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
T. D. Winstead
Walker H. Wiseman
Paul E. Young
—66

Those who voted in the negative were—

Carl D. Melton
LeRoy Saylor
—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 206. AN ACT relating to state tuberculosis hospitals and the State Tuberculosis Hospital Commission.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Hospital" means one of the state tuberculosis hospitals performing medical or surgical treatment;

(2) "Commisison" means the State Tuberculosis Hospital Commission;

(3) "District" means one of the state tuberculosis hospital districts enumerated in Section 6 of this Act;

(4) "Paying patient" means a person of any race hospitalized or seeking hospitalization in one of the hospitals who is able to pay all or any part of the hospitalization cost through insurance of any kind or by any other means;

(5) "Medically indigent patient" means a person of any race hospitalized or seeking hospitalization in one of the hospitals who is unabel to pay any part of the hospitalization cost because of economic conditions and personal responsibilities.

Section 2. (1) The commission shall consist of five members. The Commissioner of Welfare shall be ex officio a member and the other four members shall be appointed by the Governor. The appointed members shall be appointed for terms of four years. Any vacancy shall be filled by appointment by the Governor for the unexpired term.

(2) The commission shall annually elect a chairman from its membership, for a term of one year. The commission shall meet regularly and at the call of the chairman, or at the call of the Governor, or upon written request of two or more commission members, at such time and place as is designated in the call.

(3) The members of the commission, other than the Commissioner of Welfare, shall receive a per diem of ten dollars for each meeting attended and all members shall be reimbursed for their actual and necessary expenses in attending meetings of the commission and otherwise in performing their duties. The per diem and expenses of the commission members shall be paid out of appropriations for the ordinary recurring expenses of operating the state tuberculosis hospitals.

Section 3 (1) The commission shall have charge of the government and operation of the hospitals located in each of the districts enumerated in Section 6 of this Act and shall have authority to prescribe rules and regulations for that purpose.

(2) All funds and properties of the hospitals shall be under the management and control of the commission, subject to the provisions of Chapters 12, 41, 42 and 45 of the Kentucky Revised Statutes.

(3) The commission may receive property by legacy, conveyance or otherwise, on behalf of the Commonwealth, in aid and furtherance of the objects of the hospitals or of any individual hospital. Any donation for a specified use shall be applied to such use and no other.

(4) The commission shall furnish to the Governor an annual report covering the operations of the hospitals and such other reports as the Governor may require.

Section 4. Any appropriations made by the General Assembly, including revolving trust or agency fund appropriations, for the ordinary recurring expenses of operation of the hospitals, shall be made available to the commission. The commission, with the approval of the Commissioner of Finance, shall allocate and apportion such appropriations among the various hospitals as in its judgment will best meet the needs and purposes of the hospitals.

Section 5. The title to all property situated in Jefferson County that is used and occupied by the hospital in that county is hereby transferred to and shall hereafter be vested in the Commonwealth, and the State Board of Health shall execute such conveyance and instruments as are necessary to effectuate the record of such transfer. Such transfer shall not affect the validity

of any mortgage or bonds, heretofore executed according to law, which constitute an encumbrance upon such property, and the commission shall arrange for the payment of the interest and principal of such mortgage or bonds out of any funds appropriated for that purpose.

Section 6. The state is hereby divided into six tuberculosis hospital districts, consisting of the following counties:

(1) First District: Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Livingston, Caldwell, Webster, Union, Henderson, Marshall, Calloway, Crittenden, Lyon, Trigg, Christian, Muhlenberg, Hopkins, Daviess and McLean Counties;

(2) Second District: Hancock, Ohio, Grayson, Breckinridge, Meade, Hardin, Larue, Marion, Nelson, Franklin, Henry, Carroll, Garrard, Bullitt, Jefferson, Oldham, Shelby, Spencer, Washington, Mercer, Boyle, Anderson, Woodford, Trimble, Jessamine, Lincoln and Casey Counties;

(3) Third District: Gallatin, Boone, Kenton, Campbell, Pendleton, Grant, Owen, Scott, Harrison, Bracken, Nicholas, Bourbon, Fayette, Clark, Montgomery, Bath, Fleming, Powell, Mason, Robertson, Madison, Estill and Wolfe Counties;

(4) Fourth District: Lewis, Rowan, Menifee, Elliott, Carter, Greenup, Pike, Boyd, Lawrence, Morgan, Magoffin, Johnson, Martin and Floyd Counties;

(5) Fifth District: Lee, Owsley, Jackson, Rockcastle, Pulaski, Laurel, Knox, Clay, Leslie, Perry, Harlan, Bell, Whitley, McCreary, Breathitt, Knott and Letcher Counties;

(6) Sixth District: Butler, Logan, Warren, Simpson, Edmonson, Allen, Hart, Barren, Clinton, Green, Taylor, Metcalfe, Adair, Russell, Monroe, Cumberland, Todd and Wayne Counties.

Section 7. The commission shall employ and fix compensation of an executive director for the hospitals. The executive director shall make his headquarters in Frankfort and shall be authorized to employ sufficient staff to permit sound administration of the hospitals. He shall be responsible to the commission for the total administration of the hospitals, within policies established by the commission, and for other such duties as may be prescribed by the commission. The executive director shall

have such qualifications as may be prescribed by the commission and the Division of Personnel Efficiency of the Department of Finance.

Section 8. (1) The commission shall employ and fix the compensation of such qualified professional, technical and administrative personnel as it deems necessary for the operation of the hospitals and may regulate the terms of service and types of duties.

(2) Physicians serving in executive capacities shall be graduates from accredited schools of medicine; have full licenses to practice medicine in the state of Kentucky, have had at least five years of clinical experience in the field of tuberculosis and be members, in good standing, of the Kentucky State Medical Association.

(3) Physicians not serving in executive capacities shall have licenses to practice medicine in Kentucky.

(4) Other professional, technical and administrative personnel serving in executive capacities shall have such professional qualifications as may be prescribed by the commission and the Division of Personnel Efficiency of the Department of Finance.

Section 9. The commission shall perscribe the method of allocation of beds and in so doing shall make available for medically indigent patients at least one-half of the accommodations. Subject to the approval of the Governor, the commission shall fix rates for hospitalization.

Section 10. (1) Subject to the provisions of Sections 9 and 11 of this Act, subsection (2) of this section, and to such rules and regulations as the commission may prescribe, any medically indigent patient or paying patient who is a resident of the hospital district, sent to the hospital by any county or city board of health physician or private physician of the hospital district, with the certification as to economic conditions and residential status by the county judge of the county of which the patient is a resident, may be admitted for treatment.

(2) Medically indigent patients and paying patients seeking admission to one of the hospitals shall have been a resident of the Commonwealth of Kentucky for a period of twelve consecutive months immediately prior to the date of application.

Section 11. Subject to the provisions of Section 9 of this Act, the commission shall establish waiting lists for each hospital whenever the number of applicants is greater than can be adequately treated.

Section 12. The commission shall have authority to transfer patients, whether medically indigent patients or paying patients from one hospital to another when such transfer better serves the needs of the patients.

Section 13. The cost of transporting paying patients from the place of their residence to any of the hospitals shall be paid by themselves or by their friends or relatives. The cost of transporting medically indigent patients from the place of their residence to the hospital for hospitalization, for out-patient care or from one hospital to another shall be paid by the fiscal court of the county of which they are resident.

Section 14. Sections 215.065 to 215.072 and 215.076 to 215.079 of the Kentucky Revised Statutes are hereby repealed.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 2, section 2, subsection 1, line 2 by striking therefrom the words "Welfare" and inserting in lieu thereof the word "Health"

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 206.

Said motion was agreed to by voice vote.

Said amendment was concurred in.

Amendment No. 2—On page 2, section 2, subsection 3, line 13 by striking therefrom the word "Welfare" and inserting in lieu thereof the word "Health"

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 206.

Said motion was agreed to by voice vote.

Said amendment was concurred in.

Mr. Lowman moved that the Constitutional provision as to

the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provisions as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Joe Rouse
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
T. D. Winstead
Walker H. Wiseman
Paul E. Young

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Those who voted in the negative were—

Charles W. Buchanan	Harold G. Helm	George R. Martin
	James W. Lambert	LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 217. AN ACT relating to the furnishing of gas by gas pipe-line companies, and amending Section 278.485 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.485 of the Kentucky Revised Statutes is amended to read as follows:

Every gas pipe-line company in this state, obtaining gas from wells located within this state, shall, upon the request of any resident of the county in which such gas well or gas pipeline is located, furnish service to such person at rates determined by the Public Service Commission. The person making such request shall construct a line leading from the property which he desires to be served to the company pipe-line, and shall make the connection with the company pipe-line under supervision of the company and shall furnish all the equipment for said connection at his own expense.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 2. By adding at the end thereof the following paragraph: "Provided however that in no event shall the gas pipe line company be required to maintain its line

or lines for service to such resident or consumer after such line has served the purpose for which it was originally constructed".

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 217.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Vernor O. Cottengim	George H. Lovelace
John Rhea Banton	W. Marvin Davis	Harry King Lowman
Clarence J. Barnum	Albert Dempsey	Shelby McCallum
Wallace Bartley	James A. Dressman, Jr.	Ralph E. McClanahan
Charles E. Baumgardner, Sr.	Harold Edmonds	Damon Majors
Owen Billington	Addison L. Everett	William C. Mann
Leo A. Bleemel	Herbert Fern	Carl D. Melton
J. C. Bradley	Thomas P. Fitzpatrick	Tom Mobley
Edward T. Breathitt, Jr.	Cabell D. Francis	Robert K. Montgomery
Edward O. Bridgers	Lon C. Hill	Walter R. Moorman
John Young Brown	Estill R. Hilton	Eddie J. Morris
Harry M. Caudill	Chester J. Holsclaw	Thomas J. Murphy
William J. Conley	William L. Jones	Goebel W. Newsom, Jr.
R. Josh Cosby	Jennings H. Kearby	Foster Ockerman
	Talmage Lacy	

Louis T. Peniston	W. R. Smith	W. W. Webster
Edward D. Pollitte	Mrs. Thelma L. Stovall	William B. Wells
Jack Raybourne, Jr.		T. D. Winstead
L. M. Tipton Reed	Eulick Walsh	Walker H. Wiseman
Joe Rouse	Will Tom Wathen	Paul E. Young
William A. Routh		—58

Those who voted in the negative were—

Charles W. Buchanan	William M. Horn	Hobart Rayburn
	James W. Lambert	Robert Reid
Harold G. Helm	George R. Martin	LeRoy Saylor
Henry R. Heyburn	Paul T. Ratcliffe	—10

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 244. AN ACT relating to the levy and assessment of property taxes and amending Section 132.200 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.200 of the Kentucky Revised Statutes is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation.

(2) Livestock and domestic fowls.

(3) Capital stock of bulding and loan associations.

(4) Machinery and products in course of manufacture, of individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plants for the purpose of manufacture. Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job-printing plant shall be deemed to be actually engaged in manufacturing.

(5) Unmanufactured agricultural products, (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loan or loans thereon granted by the United States Government or any agency thereof), and except that cities and counties may each impose an ad valorem tax of not exceeding fifteen cents on each one hundred dollars of the fair cash value of all unmanufactured agricultural products, except tobacco, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale.

(6) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and shares of stock, except that nothing in this section shall forbid local taxation of franchises of corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 2, by deleting subsection (5) and substituting in lieu thereof the following: (5) Unmanufactured agricultural products (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loan or loans thereon granted by the United States Government or any agency thereof), and except that cities and counties may each impose ad valorem tax of not exceeding five cents on each one hundred

dollars of the fair cash value of all unmanufactured tobacco, and not exceeding fifteen cents on each one hundred dollars of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale.

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 244.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—On page 2. By adding thereto, as Section 2 thereof the following:

Section 2. This Act shall become effective during the taxable year 1955.

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 244.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Wallace Bartley	Leo A. Bleemel
John Rhea Banton	Charles E. Baumgardner, Sr.	J. C. Bradley
Clarence J. Barnum	Owen Billington	Edward T. Breathitt, Jr.

Edward O. Bridgers	William M. Horn	Foster Ockerman
John Young Brown	William L. Jones	Louis T. Peniston
Harry M. Caudill	Jennings H. Kearby	Edward D. Pollitte
William J. Conley	Talmage Lacy	Paul T. Ratcliffe
R. Josh Cosby	George H. Lovelace	Jack Raybourne, Jr.
Vernor O. Cottengim	Harry King Lowman	Hobart Rayburn
W. Marvin Davis	Shelby McCallum	L. M. Tipton Reed
Albert Dempsey	Ralph E. McClanahan	Robert Reid
James A. Dressman, Jr.	Damon Majors	Joe Rouse
Harold Edmonds	William C. Mann	William A. Routh
Addison L. Everett	Carl D. Melton	W. R. Smith
Herbert Fern	Tom Mobley	Mrs. Thelma L. Stovall
Thomas P. Fitzpatrick	Robert K. Montgomery	Eulick Walsh
Cabell D. Francis	Walter R. Moorman	Will Tom Wathen
Henry R. Heyburn	Eddie J. Morris	W. W. Webster
Lon C. Hill	Thomas J. Murphy	William B. Wells
Estill R. Hilton	Goebel W. Newsom, Jr.	T. D. Winstead
Chester J. Holsclaw		Walker H. Wiseman
		Paul E. Young

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Those who voted in the negative were—

Charles W. Buchanan	Harold G. Helm	George R. Martin
	James W. Lambert	LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 267. AN ACT relating to compensation of public officers and employees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.640 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. (1) Except as otherwise provided in subsection (2) of this section, and excepting officers elected by popular vote, commissioners of the Court of Appeals, employees of the General Assembly, including employees of the Legislative Research Commission, members of Boards and Commissions, and Presidents and employees of the University of Kentucky and the state colleges, the Division of Personnel in the Department of Finance shall prepare a schedule of compensation, payable out of the State Treasury, with a minimum and maximum salary rate, and such intermediate salary rates as are deemed necessary or advisable, for the office or position of employment of every state officer and employee, including specifically the offices and positions of employment in every constitutional administrative department, statutory administrative department, independent agency, or other unit of state government. Such schedules shall be based upon studies of the duties and responsibilities of the offices and positions and upon a comparison with rates being paid for similar or comparable services elsewhere, and in the preparation of such schedules, the Division of Personnel shall ascertain and record the duties, responsibilities and authority pertaining to the various offices and positions in the state service, and classify such positions in the manner provided in KRS 42.120. No such schedule shall become effective until it has been approved by the Governor.

(2) The Governor shall set the compensation payable out of the State Treasury to each office or position in the state service hereinafter named but such compensation shall not exceed the maximum sums listed herein:

(a) Commissioner of Conservation, Commissioner of Economic Security, Commissioner of Finance, Commissioner of Health, Commissioner of Highways, Commissioner of Mental Health, Commissioner of Revenue—$12,000

(b) Adjutant General, Administrator of Distilled Spirits Unit, Administrator of Malt Beverages Unit, Chief of the De-

partment of Mines and Minerals, Commissioner of Aeronautics, Commissioner of Alcoholic Beverage Control, Commissioner of Banking, Commissioner of Fish and Wildlife Resources, Commissioner of Industrial Relations, Commissioner of Insurance, Commissioner of Motor Transportation, Commissioner of State Police, Commissioner of Welfare, Director of the Kentucky Crippled Children's Commission, Director of Strip Mining and Reclamation, Executive Director of the Agricultural and Industrial Development Board, Executive Director of State Property and Buildings Commission, Executive Director of the State Tuberculosis Sanatoria Commission, Manager of the Kentucky State Fair, Private Secretary to the Governor, Revisor of the Statutes—$10,000

(c) Heads of statutory departments and agencies other than those named in paragraphs (a) and (b) of this subsection—$7,500

(3) Except with respect to physicians as provided for in KRS 64.655, the compensation payable out of the State Treasury to officers and employees subordinate to any office or position listed in subsection (2) shall not exceed the maximum rate establisted pursuant to subsection (2) for such office or position.

(4) The compensation payable out of the State Treasury to any subordinate officer or employee in any department, agency board or commission of the state government not covered by subsection (3) and except elective officers and their employees shall not exceed $7,500 per annum.

(5) Nothing in this section shall preclude the allowance of maintenance to officers and employees of the state.

Section 2. Section 64.650 of the Kentucky Revised Statutes is repealed.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 3, section (c) lines 48 and 49 by striking all of section (c) and inserting in lieu thereof the following: "(c) Members of the Public Service Commission of Kentucky, and of the Workmen's Compensation Board (The provisions of KRS 64.660 to the contrary notwithtsanding), and

heads of statutory departments and agencies other than those named in paragraphs (a) and (b) of this subsection—$7,500"

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 267.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—Amend House Bill No. 267 in the Senate by striking from lines 50 and 51 on page 3 of the printed bill the following: "Except with respect to physicians as provided for in KRS 64.655, the" and inserting in lieu thereof the following: "The".

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 267.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 3—Amend House Bill No. 267 in the Senate by striking from line 54 on page 3 of the printed bill the period "." appearing after the word "position" and inserting in lieu thereof the following: ", except with respect to physicians as provided in KRS 64.655 and employees of the Public Service Commission of Kentucky whose compensation shall be fixed, within constitutional limits, by the Division of Personnel of the Department of Finance with the approval of the Governor as provided in Section 1 of this Act."

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 267.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
George R. Martin
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Joe Rouse
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
T. D. Winstead
Walker H. Wiseman
Paul E. Young
—64

Those who voted in the negative were—

Albert Dempsey
Harold G. Helm
Carl D. Melton
LeRoy Saylor
—4

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 270. AN ACT relating to places of entertainment, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 231.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter place of entertainment means a roadhouse, place offering intoxicating or non-intoxicating drinks for sale, tourist camp or place of public entertainment at which people assemble to eat, drink, dance, bathe, or engage in any game or amusement, or any place having therein or thereon any person engaging in the practice of being a medium, clairvoyant, soothsayer, palmist, phrenologist, spiritualist, or like activity, or one who with or without the use of cards, crystal ball, tea leaves, or any other object or device, engages in the practice of telling the fortune of another (but this last clause shall not be construed to apply to persons pretending to tell fortunes as part of any play, exhibition, fair or amateur show presented or offered by any religious, charitable, or benevolent institution). It shall not mean a private home at which bona fide guests are entertained, places of business conducted only as filling stations for motor vehicles or grocery stores, nor transient or temporary entertainment such as circuses, carnivals and county fairs.

Section 2. Section 231.110 of the Kentucky Revised Statutes is amended to read as follows:

No person who has been granted a permit shall allow:

(1) Drunken, disorderly or boisterous persons, or persons

of lewd or lascivious reputation to congregate in or about the premises.

(2) People to congregate there for immoral or unlawful purposes or to permit any man or woman who are not married to each other to occupy any cabin, cottage or secreted room or place from which the view of the public is excluded.

(3) The premises to be used as a place of assemblage or entertainment at later hours than those which are stated in the permit or recorded on the order book of the county court.

(4) Engaging in fortunetelling at any location except that specifically stated in his permit.

(5) Engaging in fortunetelling without first posting in a conspicuous place, both inside and outside the premises at which he is authorized to engage in fortunetelling, and without first filing with the county clerk of the county in which the premises are located, a schedule showing in detail the fees charged for readings, predictions, and services of any nature.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

The conviction of the owner or manager of a place of entertainment for violation of the alcohol beverage control laws may be an additional ground for revocation and forfeiture of the place of entertainment permit by the county court.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 2, section 1, line 16 by inserting after the "," the following: "drive-in theatres,"

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 270.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Herbert Fern	Eddie J. Morris
John Rhea Banton	Thomas P. Fitzpatrick	Thomas J. Murphy
Clarence J. Barnum	Cabell D. Francis	Goebel W. Newsom, Jr.
Wallace Bartley	Henry R. Heyburn	Foster Ockerman
Charles E. Baumgardner, Sr.	Lon C. Hill	Louis T. Peniston
Owen Billington	Estill R. Hilton	Edward D. Pollitte
Leo A. Bleemel	Chester J. Holsclaw	Paul T. Ratcliffe
J. C. Bradley	William M. Horn	Jack Raybourne, Jr.
Edward T. Breathitt, Jr.	William L. Jones	Hobart Rayburn
Edward O. Bridgers	Jennings H. Kearby	L. M. Tipton Reed
John Young Brown	Talmage Lacy	Robert Reid
Harry M. Caudill	George H. Lovelace	Joe Rouse
William J. Conley	Harry King Lowman	William A. Routh
R. Josh Cosby	Shelby McCallum	W. R. Smith
Vernor O. Cottengim	Ralph E. McClanahan	Mrs. Thelma L. Stovall
W. Marvin Davis	Damon Majors	Eulick Walsh
Albert Dempsey	William C. Mann	Will Tom Wathen
James A. Dressman, Jr.	Carl D. Melton	W. W. Webster
Harold Edmonds	Tom Mobley	William B. Wells
Addison L. Everett	Robert K. Montgomery	T. D. Winstead
	Walter R. Moorman	Walker H. Wiseman
		Paul E. Young

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Those who voted in the negative were—

Charles W. Buchanan	Harold G. Helm	George R. Martin
	James W. Lambert	LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 277. AN ACT relating to the compensation of certain elective state officers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.480 of the Kentucky Revised Statutes is amended to read as follows:

Effective, with respect to the offices of Governor and Lieutenant Governor, on the fifth Tuesday following the regular November election in 1951, and with respect to the other offices named in this section, on the first Monday in January, 1956, the compensation of the following named officers, payable monthly out of the State Treasury, shall be the sum per annum designated for the respective offices, as follows:

Governor, $10,000.

Lieutenant Governor, $3,000, this to be in addition to any per diem received during sessions of the General Assembly while serving in the capacity of President of the Senate, and any compensation received while acting in the place of the Governor.

Attorney General, $8,500.

Superintendent of Public Instruction, $8,500.

Commissioner of Agriculture, Labor and Statistics, $7,500.

Secretary of State, $7,500.

State Treasurer, $7,500.

Auditor of Public Accounts, $7,500.

Clerk of the Court of Appeals, $7,500.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 1, line 5, by striking the figures "1951" and substituting in lieu therefor the following: "1955"

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 277.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—On page 1, section 1, line 11 Delete figures "3,000" and substitute "6,000".

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 277.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 3—On page 2, section 1, line 16. Delete figures "8,500" and substitute "11,000."

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 277.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 4—On page 2, section 1, line 17. Delete figures "8,500" and substitute "10,000."

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 277.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 5—On page 2, section 1, line 18. Commissioner of Agriculture, Labor and Statistics, $9,000.00.

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 277.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 6—On page 2, section 1, line 19. Secretary of State, $9,000.00.

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 277.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 7—On page 2, section 1, line 20. State Treasurer, $9,000.00.

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 277.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 8—On page 2, section 1, line 21. Auditor of Public Accounts, $9,000.00.

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 277.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 9—On page 2, section 1, line 22. Clerk of the Court of Appeals, $9,000.00.

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 277.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Joe Rouse
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
T. D. Winstead
Walker H. Wiseman
Paul E. Young
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Those who voted in the negative were—

Charles W. Buchanan
Albert Dempsey
Harold G. Helm
James W. Lambert
George R. Martin
LeRoy Saylor
—6

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 279. AN ACT relating to unemployment insurance, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1

Section 341.295 of Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

341.295 *Unemployment Compensation Contingent Fund.*

All fines, penalties and interest on delinquent contributions collected under KRS 341.300 shall be credited to the Unemployment Compensation Administration Fund to be used for the administration of this chapter. The State Treasurer shall maintain a separate record of all money received for the Unemployment Compensation Administration Fund under this section. This money shall not be expended or available for expenditure in any manner that would permit its substitution for, or a corresponding reduction in, Federal funds that would be available in its absence to finance expenditures for the administration of this chapter. But nothing in this chapter shall prevent this money from being used as a revolving fund to cover necessary and proper expenditures for wihch Federal funds have been requested but not received, subject to the charging of such expenditures against such funds when received, or to supplement Federal funds which are, in the opinion of the Commissioner, insufficient to properly administer this chapter. The Commissioner may also authorize to be charged against such money any expenditures he deems proper and desirable for the administration of this chapter and replace any money necessary under the pro-

visions of KRS 341.610, if no other funds are available or can properly be used to finance such expenditures. The money heretofore collected and credited to the Unemployment Compensation Contingent Fund shall be transferred to the Unemployment Compensation Administration Fund and shall be available for expenditure under the provisions of this section.

Section 2

Section 341.350 of Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

341.350 *Conditions of qualification for benefits.*

An unemployed worker shall, except as provided in KRS 341.360 and 341.370, be eligible for benefits with respect to any week of unemployment only if:

(1) He has made a claim for benefits;

(2) He has registered for work with respect to such week in accordance with regulations prescribed by the Commission;

(3) He is physically and mentally able to work;

(4) He is available for suitable work;

(5) His base period wages are not less than three hundred dollars, some part of which was earned in the 3rd or 4th quarter of his base period and if his total base period wages are less than seven hundred dollars, wages equal to at least 10 times the rate listed in Column (C) of Table A in KRS 341.380 in each of the 1st and 3rd or the 2nd and 4th quarters of his base period; and

(6) He has served a waiting period of one week of unemployment within his benefit year. No week of unemployment shall be counted as a waiting period unless the worker has satisfied the conditions of subsections (1), (2), (3), (4) and (5) of this section.

Section 3

Section 341.440 of Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

341.440 *Procedure on Review by Referee and Commission; Witness Fees,*

(1) The manner in which appeals are presented and hearings and appeals conducted shall be in accordance with regulations prescribed by the Commission for determining the rights of the parties, such hearings to be conducted in a summary manner. A complete record shall be kept of all proceedings in connection with any appeal. All testimony at any hearing upon an appeal shall be recorded either stenographically or mechanically, but need not be transcribed unless further appealed. No examiner, referee or member of the Commission shall participate in any hearing in which he is an interested party.

(2) Witnesses subpoenaed pursuant to proceedings under KRS 341.420 and 341.430 shall be allowed fees in accordance with rates allowed by law. Such fees and all expenses of proceedings before the Division or Commission involving disputed claims shall be deemed a part of the expense of administering this chapter.

(3) In the absence of an appeal therefrom, decisions of the Commission shall become final twenty days after the date they are made.

Section 4

Section 341.450 of Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

341.450 *Judicial Review.*

(1) Except as provided in KRS 341.460, within twenty days after the date of the decision of the Commission, any party aggrieved thereby may, after exhausting his remedies before the Commission, secure judicial review thereof by filing a complaint against the Commission in the circuit court of the county in which the claimant was last employed by a subject employer whose reserve account is affected by such claims. Any other party to the proceeding before the Commission shall be made a defendant in such action. The complaint shall state fully the grounds upon which review is sought, assign all errors relied on, and shall be verified by the plaintiff or his attorney. The plaintiff shall furnish copies thereof for each defendant to the Commission, which shall deliver one copy to each defendant.

(2) Summons shall issue upon the complaint directing

the Commission to file answer within twenty days after service thereof. Such summons shall be served upon a member of the Commission, or upon such person as the Commission designates, and such service shall be deemed complete service upon all members of the Commission. The Commission may be represented by any qualified attorney designated by the Commission for that purpose or, at the request of the Commission, by the Attorney-General. With its answer, the Commission shall certify and file as an exhibit with the court all documents and papers, and a transcript of all testimony taken in the matter, and orders made therein, together with its findings of fact and decision therein. If consented to by the platintiff and the adverse party, an abstract of any portion of the record may be certified by the Commission in lieu of certifying such portion of the record in full. The Commission may certify to the court questions of law involved in any decision by it.

(3) Such actions, and the questions so certified, shall be heard by the court in a summary manner upon the record certified by the Commission. The court on its own motion or on the motion of an interested party shall assign a date certain for the review, irrespective of the regular term of court. The clerk of the court shall notify the attorneys of record, the date assigned for review at least ten days in advance thereof. The court shall enter judgment, affirming, modifying, or setting aside the order and the decision appealed from, or determining the question of law certified to it by the Commission, and may in advance of judgment, remand the case to the Commission for further proceedings in accordance with the direction of the court.

Section 5

Every surety contract or bond which guarantees and binds the performance of any public contract, whether state or a subdivision of the state, to be performed in Kentucky by a subject employer shall contain a provision guaranteeing that all unemployment insurance contributions will be paid by the principal or surety.

Section 6

Any subject employer who is the general or prime contractor

of any contract to be performed in Kentucky shall be secondarily liable for the payment of contributions and responsible for the filing of any reports required by law of any employing unit to which he has subcontracted in part or whole the performance of the contract.

Section 7

Any state agency, board, division, or department of the Commonwealth, after affording the interested parties a proper hearing, shall revoke the license, franchise, permit, or certificate of convenience issued by it to any employing unit upon complaint and the submission of sufficient evidence by the Commissioner that such employing unit has refused or failed to file any report required or pay any contributions due under KRS Chapter 341.

Such hearings shall be conducted according to the procedures established by the granting authority, and, in the absence of established procedures, the head of the agency, board, division, or department shall conduct the hearing in a summary manner. Either party to the hearing shall have the right to appeal from the granting authority's order to the Franklin Circuit Court for review.

Prior to the filing of the complaint, the Commissioner shall notify the employing unit by registered mail at its last known address of his intention to file such complaint after 10 days from the mailing date of said notice.

Section 8

(1) Any employing unit refusing to make reports required under this chapter within ten days after written notice sent by the Commissioner to the employing unit's last known address by registered mail, notifying him that this section of the act will be invoked unless the reports are filed, may be restrained or enjoined from operating a business in Kentucky, upon complaint of the Commissioner filed in the Franklin Circuit Court or any other court of competent jurisdiction, until such reports shall have been made.

(2) When the Division holds a judgment against an em-

ployer still actively engaging in business in Kentucky and liable for contributions under this chapter, and an execution on the judgment has been returned unsatisfied, then if the employer, within ten days after written notice sent by the Commissioner to the employer's last known address by registered mail notifying him that this section of the act will be invoked unless such judgment is satisfied, refuses to pay contributions covered by the judgment on which the execution was issued, such employer may be restrained or enjoined from operating a business in Kentucky, upon complaint of the Commissioner filed in the Franklin Circuit Court or in any other court of competent jurisdiction, until such contributions have been paid.

(3) Proceedings under this section shall be in accordance with the Kentucky Rules of Civil Procedure, except that no bond shall be required of the Commonwealth.

Section 9

Any employing unit which is not a resident of this state and which exercises the privilege of having one or more individuals perform service for it within this state, and any resident employing unit which exercises that privilege and thereafter removes from this state, shall be deemed thereby to appoint the Secretary of State as its agent and attorney for the acceptance of process in any civil action, as provided in KRS 341.300 and 341.310. In instituting such an action against any such employing unit the Commissioner shall cause such process or notice to be filed with the Secretary of State and such service shall be sufficient service upon such employing unit, and shall be of the same force and validity as if served upon it personally within this state:

PROVIDED, that, the Commissioner shall forthwith send notice of the service of such process or notice, together with a copy thereof, by registered mail, return receipt requested, to such employing unit at its last known address and such return receipt, the Commissioner's affidavit of compliance with the provisions of this section, and a copy of the notice of service shall be appended to the original of the process filed in the court in which such action is pending.

Section 10

(1) As used in this section, the term "seasonal industry" means an occupation or industry in which, because of the seasonal nature thereof, it is customary to operate only during a regularly recurring period or periods of less than forty weeks. The Commission may, after investigation and hearing, determine, and may thereafter from time to time, redetermine the longest seasonal period or periods during which by the best practice of the occupation or industry in question, operations are conducted. Until such determination by the Commission, no occupation or industry shall be deemed seasonal.

(2) As used in this section, the term "seasonal worker" means a worker who is ordinarily engaged in a seasonal industry and who, during the portion or portions of the year when such industry is not operating, is ordinarily not engaged in any other covered employment.

(3) The Commission shall prescribe fair and reasonable general rules applicable to seasonal workers for determining the period for earning and the amount of the total wages required to qualify such workers for benefits, the amounts of such benefits, and the period for which such benefits shall be payable to them. The Commission may prescribe fair and reasonable rules with respect to such other matters relating to benefits for seasonal workers as the Commission finds necessary and consistent with the policy and purposes of this chapter.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 5, section 5, line 1 through 7, By striking Section 5 in its entirety.

Mr. Lowman moved that the House do now concur in said

Senate amendment to H. B. No. 279.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Herbert Fern	Eddie J. Morris
John Rhea Banton	Thomas P. Fitzpatrick	Thomas J. Murphy
Clarence J. Barnum	Cabell D. Francis	Goebel W. Newsom, Jr.
Wallace Bartley	Henry R. Heyburn	Foster Ockerman
Charles E. Baumgardner, Sr.	Lon C. Hill	Louis T. Peniston
Owen Billington	Estill R. Hilton	Edward D. Pollitte
Leo A. Bleemel	Chester J. Holsclaw	Paul T. Ratcliffe
J. C. Bradley	William M. Horn	Jack Raybourne, Jr.
Edward T. Breathitt, Jr.	William L. Jones	Hobart Rayburn
Edward O. Bridgers	Jennings H. Kearby	L. M. Tipton Reed
John Young Brown	Talmage Lacy	Robert Reid
Harry M. Caudill	George H. Lovelace	Joe Rouse
William J. Conley	Harry King Lowman	William A. Routh
R. Josh Cosby	Shelby McCallum	W. R. Smith
Vernor O. Cottengim	Ralph E. McClanahan	Mrs. Thelma L. Stovall
W. Marvin Davis	Damon Majors	Eulick Walsh
Albert Dempsey	William C. Mann	Will Tom Wathen
James A. Dressman, Jr.	Carl D. Melton	W. W. Webster
Harold Edmonds	Tom Mobley	William B. Wells
Addison L. Everett	Robert K. Montgomery	T. D. Winstead
	Walter R. Moorman	Walker H. Wiseman
		Paul E. Young

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Those who voted in the negative were—

Charles W. Buchanan	Harold G. Helm	George R. Martin
	James W. Lambert	LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Chief Clerk a bill of the following title, viz:

H. B. No. 290. AN ACT providing for the regulation of the practice of optometry; etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The practice of optometry in the Commonwealth of Kentucky is hereby declared to affect the public health and safety and is subject to regulation and control in the public interest. Optometry is hereby declared to be a learned profession and it is further declared to be a matter of public interest and concern that the practice of optometry as defined in this Act and the optometric profession merit and receive the confidence of the public and that only qualified persons be admitted to the practice of optometry and be permitted to so practice in the Commonwealth of Kentucky. This Act shall be liberally construed to carry out these objects and purposes in accordance with this declaration of policy.

Section 2. As used in this Act, unless the context requires otherwise:

(1) "Board" means the Kentucky Board of Optometric Examiners.

(2) "Practice of Optometry" means the employment of any means other than the use of drugs, medicine or surgery to examine the human eye, to determine the visual efficiency of the human eye, or to determine the powers or defects of vision: the prescribing, providing, furnishing, adapting, using or employing lenses, prisms, contact lenses, visual training, orthoptics, ocular exercise or any other means or device other than the use

of drugs, medicine or surgery for the aid, relief or correction of vision.

(3) "Visual Aid Glasses" means eyeglasses, spectacles or lenses designed or used to correct visual defects.

Section 3.

(1) No person shall practice optometry in this Commonwealth or hold himself out as being able so to do unless he is the holder of a license duly issued to him by the Board and registered in the manner provided by Section 10.

(2) Such license to practice optometry shall not be required by physicans or osteopaths regularly licensed to practice medicine or osteopathy at any place in the Commonwealth of Kentucky, or by persons who fit, adjust or dispense visual aid glasses upon the written prescription of a regularly licensed optometrist, physician or osteopath.

Section 4.

(1) The Kentucky Board of Optometric Examiners shall consist of five practicing optometrists well grounded in the practice of optometry appointed by the Governor from a list containing three names for each appointment recommended by the Kentucky Optometric Association. The members shall serve for a term of four years and until their successors are appointed and have qualified. They shall serve without compensation but shall be reimbursed for actual expenses incurred in the carrying out of their duties under this Act.

(2) Each member shall be well grounded in the theory and practice of the profession of optometry and shall have been an actual resident and licensed practicing optometrist of this State for not less than five years immediately preceding his appointment to the Board. He shall not be in any way connected with or interested in any optometric school, college or institution of learning or optometric supply business.

(3) Any vacancy occurring on the Board as the result of a member not completing the term for which he was appointed shall be filled, for the unexpired term, in the same manner as is provided in subsection (1) for the appointment of members.

(4) A majority of the members of the Board shall constitute a quorum for the transaction of business.

(5) Those persons appointed as members of the Kentucky Board of Optometric Examiners under the provisions of KRS 320.140 shall constitute the Board created under the provisions of this Act and shall serve until the expiration of the term for which they were appointed and until their successors are appointed and have qualified.

Section 5.

(1) The Board shall meet at least once each year at which time it shall choose from among its members the president, vice-president, and secretary-treasurer. In addition, the Board upon call of its officers, may hold meetings at such time as it deems necessary. The secretary-treasurer shall keep a full record of its proceedings which shall be open to inspection at all reasonable times.

(2) The Board shall keep a register containing the name, address and license number of every person licensed to practice optometry in this State.

(3) The Attorney General shall render to the Board such legal services as it may require in carrying out and enforcing the provisions of this Act.

(4) Subject to and consistent with the provisions of this Act, the Board shall make and promulgate reasonable rules and regulations and do any and all things which it may deem necessary or proper for the effective enforcement of this Act and for the full and efficient performance of its duties hereunder and the reasonable regulation of the profession of optometry and the practice thereof by licensed optometrists.

(5) The Board shall have a common seal.

(6) The Board shall have authority to administer oaths and to require the attendance of witnesses, the production of books, records and papers pertinent to any matters coming before the Board by the issuanec of process which shall be served and returned in the same manner as in civil actions and for the disobedience of which the Board shall have the power to invoke

the same rights as are provided in the event of disobedience of a subpoena or subpoena duces tecum in a civil action.

(7) The Board shall make rules and regulations governing applicants and applications for registration or license under this Act and governing the conduct of licensing examinations.

(8) The Board shall from time to time accredit schools and colleges teaching optometry, the graduates of which shall be eligible to licensing examinations.

(9) The Board shall have the right to determine what acts on the part of any person licensed as an optometrist in this State shall constitute unprofessional conduct under this Act.

(10) The Board shall have authority, to assist in the prosecution of any violation of this Act and in the enforcement of any of the provisions of this Act.

(11) The Board shall have such other powers and duties as may be provided in the provisions of this Act.

(12) The Board shall make a report of its proceedings to the Governor on or about January 1st of each year, including an accounting of all moneys received and disbursed.

Section 6.

(1) Licenses to engage in the practice of optometry shall be issued only to those who qualify therefor under the provisions of Sections 7 or 8, or who successfully pass examinations conducted under the direction of the Board at a time and place fixed by the Board. Each license certificate shall be signed by the president and secretary-treasurer and authenticated by the seal of the Board.

(2) Examinations for a license to practice optometry shall be conducted by the Board at least twice each year. Applicants for the examination shall furnish to the Board, on forms furnished by the Board, all required information, and shall receive from the secretary-treasurer due notice of the time and place of the examination.

(3) Examinations may be either oral or written, or both, and on such subjects as may be designated by the Board. Ap-

plicants making an average grade of 75% upon all subjects shall be admitted to practice; provided, however, that no applicant shall be admitted to practice who does not make a grade of 60% or more upon each subject. Any applicant who makes a grade of less than 60% in only one subject may at the next subsequent examination held by the Board be re-examined in that one subject, and, if he then makes a grade of not less than 75% in that particular subject, be admitted to practice.

(4) Every person applying for examination by the Board shall present satisfactory proof verified by oath that he is at least 21 years of age, of good moral character, a citizen of the United States, has graduated from a high school having a four year course, and is a graduate of an accredited optometric college, school or department of a university having a minimum five academic year course and recognized and approved by the Board.

(5) The fee for each examination, including each re-examination, for a license to practice optometry shall be twenty-five dollars for resident applicants and seventy-five dollars for non-resident applicants.

(6) No person shall be allowed to take the examination more than three times within the period of any five consecutive years.

Section 7. Any person, who, on the effective date of this Act, was the holder of a valid, unrevoked license to practice optometry issued to him under the laws of this State, shall not be required to take an examination under this Act, but shall secure an annual renewal of his license, and in every other respect shall be subject to this Act.

Section 8. Any person who has been licensed to practice optometry in another state, which state has licensing and educational requirements substantially equal to or higher than those of this State and which grants equal licensing privileges to persons licensed in this State, may be issued, without examination, a license to practice optometry in this State upon the payment of a fee of seventy-five dollars and the production of satisfactory evidence that he is of good moral character and has actually practiced optometry for at least five years.

Section 9.

(1) All optometrists desiring to continue practice shall annually, prior to March 1, secure from the secretary-treasurer of the Board a renewal certificate upon the payment of a fee of not more than ten dollars. Not later than February 15th of each year the secretary-treasurer shall notify by mail, all optometrists of the renewal date and fee. Application for a renewal shall be upon such form as is prescribed by the Board and the optometrist shall furnish the information required by such form.

(2) Failure of any optometrist to secure his renewal certificate within sixty days after March 1, shall constitute sufficient cause for the Board to revoke his license.

Section 10.

(1) Every optometrist shall register his license with the clerk of the county in which he resides. The clerk shall receive the sum of $1.00 as a filing fee.

(2) Every practicing optometrist shall display in a conspicuous place at the entrance to his office the true full name of the person practicing therein and shall keep his license certificate conspicuously displayed in his place of practice so that it can be easily seen and read but not so as to use it to attract patronage.

Section 11. It shall be unlawful and a violation of the provisions of this Act for any person;

(1) To sell, fit or dispense visual aid glasses except upon the written prescription of an optometrist, physician or osteopath regularly licensed to practice optometry, medicine or osteopathy. Eye-glasses or spectacles with plano-white or plano-colored lenses shall not be considered visual aid glasses.

(2) To practice optometry, directly or indirectly, or to hold himself as being able so to do without first having obtained a license from the Board and filing the same with the Clerk of the county in which he resides.

(3) To directly or indirectly solicit the sale of spectacles,

eyeglasses, lenses, frames, mountings, eye examinations or optometric services.

(4) To advertise by any means whatsoever, directly or indirectly, the cost or price of visual aid glasses; to offer such glasses at a discount or as a premium for the purchase of any article of merchandise; to advertise any reference to or comparison of cost or price of visual aid glasses in any manner whatsoever, directly or indirectly; to advertise any type of visual care service as being superior to any other, or to advertise the terms of credit or payment for such glasses.

(5) If he writes a prescription for visual aid glasses, to receive any part of the price paid to a third person for filling such prescription; or for such third person to pay to the person writing the prescription any part of the price paid for filling such prescription.

(6) To practice optometry under any name other than his own.

Section 12.

(1) The Board shall have the power to refuse to grant, issue or renew any license to practice optometry, or to revoke or suspend any license to practice optometry for any of the following causes:

(a) Presentation to the Board of any license, certificate or graduation diploma illegally or fraudulently obtained, or the practice of fraud or deception in passing an examination.

(b) Conviction of a crime involving moral turpitude.

(c) Chronic or persistent inebriety or addiction to a drug habit to an extent that disqualifies from practicing with safety to the public.

(d) Loaning, selling, or fraudulently obtaining any optometry diploma, license, record, or certificate, or aiding or abetting therein.

(e) Gross incompetence, as determined by the Board.

(f) Grossly unprofessional or dishonorable conduct, as determined by the Board.

(g) The obtaining of any fee by fraud or misrepresentation or the practice of deception or fraud upon any patient or patients.

(h) Affliction with a contagious or infectious disease which, in the opinion of the Board, renders practice of optometry by the licensee or applicant for license dangerous to the public health.

(i) Practicing as an itinerant, peddling from door to door, establishing a temporary office, or practicing optometry outside of or away from his regular office or place of practice.

(j) Employing, porcuring, inducing, aiding or abetting any person, not holding a license, to practice optometry or any branch of medicine.

(k) Soliciting patients by advertising of any nature or description. Provided, however, that upon the opening, reopening or removal of an office for the practice of optometry, an optometrist may publish, in local newspapers, an announcement, which announcement shall be limited to a statement of his name, title, profession, degrees, address, telephone number and office hours; and further provided that such announcement shall not be published for more than 90 days after the opening, reopening or removal of such office; such announcement shall not exceed eight square inches in area.

(l) Seeking patronage by means of solicitors, canvassers, cappers, steerers or agents.

(m) Displaying any spectacle, eyeglasses, eyeglass or spectacle frames or mountings, goggles, lenses, prisms, spectacle or eyeglass cases, opthalmic material of any kind, optometric instruments, or optical tools or machinery, or any merchandise, material, or displays of a commercial nature in office windows or reception rooms or in display cases outside of the office, where the display of such merchandise, material or displays would make it visible from the street.

(n) Announcing his name in any city, commercial telephone or other public directory, or directories in public or office buildings, using display or bold-face type or type that is in any

way dissimilar in size, shape, or color to that used for other practitioners of the healing arts in the same directory.

(o) Displaying his license, diplomas, or certificates in such a manner that they may be seen from the outside of the office.

(p) Using the title doctor or its abbreviation without further qualifying this title or abbreviation with the word "optometrist."

(q) Use by an optometrist of the words "clinic", "infirmary", "hospital", "school", "college", "university', or "institute" in English or any other language in connection with any place where optometry may be practiced or demonstrated; provided, however, that nothing in this section shall prevent an optometric clinic, approved by the Board, from being conducted on a nonprofit basis by a school or college of optometry or an association or registered optometrists.

(r) Any conduct which, in the opinion of the Board, is of a character likely to deceive or defraud the public.

(s) The issuance of appointment cards or the display of the name of the licensee on the premises where he is engaged in the practice of his profession when the information goes beyond that permitted by a professional card.

(t) The display of the name and title of the licensee, in lettering larger than four inches in height for street-level offices, or larger than six inches in height for offices above street-level and in no event shall there be more than three such displays, and the illumination of said name and title except during office hours; the use of colored or neon lights, eyeglasses or eye signs, whether painted, neon, decalcomania, or any other medium of display either in the form of eyes or structures resembling eyes, eyeglass frames, eyeglasses or spectacles, whether lighted or not.

(2) Nothing in this section shall be construed to prohibit a licensed optometrist from issuing appointment cards to his patients when the information thereon is limited to matter pertaining to the time and place of appointment and that permitted on a professional card. For the purpose of this section, the professional card shall contain only the name, title, profession,

degrees, address, telephone number and office hours of the licensed optometrist.

(3) Nothing in this section shall prevent an optometrist from establishing not more than one branch office, providing such office contains such minimum equipment as shall be required by rule of the Board and provided further that a duly licensed optometrist shall be in charge of such office.

Section 13.

(1) Proceedings to revoke or suspend a license may be taken by the Board from the matters within its knowledge or upon the information of another. If the informant is a member of the Board, the other members shall constitute the Board for the purpose of judging the accused. Every accusation shall be in writing, verified by some person familiar with the facts charged in it. Three copies shall be filed with the secretary-treasurer of the Board. Upon receiving the accusation the Board shall, if it considers it sufficient, make an order setting the accusation for hearing at a specified time and place, and reuiring the accused to appear and answer it. The secretary-treasurer shall cause a copy of the order and accusation to be served upon the accused at least ten days before the day appointed in the order for the hearing.

(2) The person accused shall appear at the time appointed in the order, answer the charges in writing and make his defense, unless for sufficient cause the Board assigns another day for that purpose. If he does not appear the Board may proceed and determine the accusation in his absence. If the accused pleads guilty or refuses to answer the charges, or if upon the hearing the Board finds any of them true, it may proceed to a judgment of either revoking his license or suspending it. The Board and the accused may have the benefit of counsel. The Board may administer oaths, take the depositions of witnesses as in civil cases and compel them to attend before it in person by the issuance of subpoenas over the signature of the secretary-treasurer and the seal of the Board and in the name of the Commonwealth.

(3) The revocation of any license shall be noted upon the records of the Board, and the license shall be marked as can-

celled upon the date of its revocation. The secretary-treasurer of the Board shall, upon entry of a judgment of suspension or revocation, transmit to the county clerk of the county in which the license affected by the judgment is recorded, a copy of the judgment order, certified to as such by the secretary-treasurer for record. The copy of the judgment order shall be recorded in the same manner and the same book in which the record of the certificate to practice optometry is kept.

Section 14. A licensee whose license has been revoked by the Board may appeal from the revocation order within thirty days of the cancellation of his license. The appeal shall be to the circuit court of the county in which the accused regularly practices. Any person who takes such an appeal shall serve upon the secretary-treasurer, a written notice of the appeal, and shall file with the clerk of the circiut court to which such appeal is taken an appeal bond with good and sufficient surety, to be approved by the clerk, to secure the payment of any costs charged against him upon the appeal. The secretary-treasurer, within ten days after the service of notice of appeal, shall transmit to the clerk of the circuit court to which the appeal is taken a certified copy, under the seal of the Board, of the accusations on which the revocation was based and of the order of revocation. The clerk of the circuit court shall docket the case. It shall be tried de vovo and in all respects like an ordinary civil action. Either party may appeal from the judgment of the circuit court to the Court of Appeals as in a civil action. The judgment shall be stayed from the date of the approval of the bond until final determination of the appeal.

Section 15. Upon application the Board may reissue a license to practice optometry that has been revoked. No such application shall be made prior to one year after revocation. The Board may prescribe the manner and form of application.

Section 16. No person shall practice optometry on premises not separate from premises whereon eyeglasses, lenses, eyeglass frames or any other merchandise or products are sold by any other person. For the purposes of this section, any room or suite of rooms in which optometry is practiced shall be considered separate premises if it has a separate and direct entrance from

a street or public hallway or corridor within a building, which corridor is partitioned off by partitions from floor to ceiling.

Section 17. All fees imposed and collected under the provisions of this Act shall be paid to the secretary-treasurer of the Board for the use of the Board, and shall be deposited in the State Treasury to the credit of an agency fund for the use of the Board.

Section 18. The Board may institute in its own name an action to enjoin, temporarily or permanently, a violation of any of the provisions of this Act, or a violation of any rule or regulation promulgated pursuant to this Act.

Section 19. Any person who violates any of the provisions of this Act shall be fined not less than fifty dollars nor more than one hundred dollars for the first offense, and shall be fined one hundred dollars and confined in jail for thirty days for each subsequent offense.

Section 20. If any section of this Act or any part thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder or any other section or part thereof.

Section 21. Sections 320.010 to 320.990, inclusive, of the Kentucky Revised Statutes are repealed.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 1, by adding at the end of the title the following: 'This bill shall be known as the Sample-Everett Bill."

Mr. Lowman moved that the House do now concur in said amendment to H. B. No. 290.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Joe Rouse
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
T. D. Winstead
Walker H. Wiseman
Paul E. Young

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Those who voted in the negative were—

Charles W. Buchanan
Harold G. Helm
James W. Lambert
George R. Martin
LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 322. TEACHERS' RETIREMENT ACT.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (10) of Section 161.220 of the Kentucky Revised Statutes is amended to read as follows:

"Annual Salary" means the average annual salary which the member has received for his service as a teacher in the public schools of Kentucky for five years or for as many years if less than five, prior to July 1, 1941, except that any salary which exceeds two thousand dollars shall be considered two thousand dollars; and during the five years or for as many years if less than five years, immediately preceding the following dates herein, except that any salary which exceeds two thousand dollars in any year prior to July 1, 1946, shall be considered two thousand dollars and any salary for any year subsequent to July 1, 1946, and prior to the effective date of this Act, which exceeds two thousand four hundred dollars shall be considered two thousand four hundred dollars and any salary subsequent to the effective date of this Act shall be the actual arithmetic average salary for any five consecutive years which will provide the highest average.

Section 2. Subsection (11) of Section 161.220 of the Kentucky Revised Statutes is amended to read as follows:

"Annual Compensation" after the effective date of this Act means the contractual salary and additions thereto received by a member as compensation for his services as a teacher in the

public schools of Kentucky during a given fiscal year before any deductions.

Section 3. Section 161.540 of the Kentucky Revised Statutes is amended to read as follows:

Each member whose age on the first day of any current scholastic year is less than thirty years shall contribute to the Retirement System three per cent of his annual compensation. Each member whose age on the first day of any current scholastic year is thirty years and less than forty years shall contribute to the Retirement System four per cent of his annual compensation. Each member whose age is forty years or more on the first day of any current scholastic year shall contribute to the Retirement System five per cent of his annual compensation. The contribution of a member shall not exceed his percentage, determined by his age, on his current annual compensation.

Section 4. Subsections (1) and (2) of Section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

Subsection (1) The Retirement allowance of the member retiring for superannuation whose age of retirement is seventy years shall be 1% of his average annual prior service salary (as defined) for each year of prior service credit plus 1½% of his average annual compensation for each year of subsequent service between the years 1941 and the effective date of this Act, plus a percentage in excess of 1½%, to be determined by the Actuary of the System and approved by the Board of Trustees, said determined percentage to be taken of his annual subsequent service salary (as defined) for the years after the effective date of this Act. The retirement allowance of a member retiring for superannuation whose age at time of retirement is less than seventy years shall be reduced to that amount which the value of the retirement allowance computed as provided in this section at age seventy will purchase as of the actual age of retirement of the member, according to the actuarial tables in use by the System. Retirement allowance in final amount at age of retirement shall be determined by an actuarial factor equivalent to one at age seventy. Said factors shall be determined by the Actuary of the Retirement System and approved by the Board of Trustees.

Subsection (2) For any member retiring on or after the effective date of this Act, no retirement allowance shall be greater than one-half of the average annual compensation.

Section 5. This Act shall become effective July 1, 1956, or subsequently on a certain July 1, immediately following the date on which the General Assembly shall have appropriated a sufficient amount from the General Expenditure Fund of the Staate Treasury to match the contributions required by this Act.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 4, section 5, line 1. By striking therefrom the figures 1954 and adding in lieu thereof the figures 1956.

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 322.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.
John Rhea Banton	Owen Billington	Edward O. Bridgers
Clarence J. Barnum	Leo A. Bleemel	John Young Brown
Wallace Bartley	J. C. Bradley	Harry M. Caudill

William J. Conley	Jennings H. Kearby	Edward D. Pollitte
R. Josh Cosby	Talmage Lacy	Roger E. Qualls
Vernor O. Cottengim	George H. Lovelace	Paul T. Ratcliffe
W. Marvin Davis	Harry King Lowman	Jack Raybourne, Jr.
Albert Dempsey	Shelby McCallum	Hobart Rayburn
James A. Dressman, Jr.	Ralph E. McClanahan	L. M. Tipton Reed
		Robert Reid
Harold Edmonds	Damon Majors	Joe Rouse
Addison L. Everett	William C. Mann	William A. Routh
Herbert Fern	Alton B. Mitchell	W. R. Smith
Thomas P. Fitzpatrick	Robert K. Montgomery	Mrs. Thelma L. Stovall
Cabell D. Francis	Walter R. Moorman	Eulick Walsh
Henry R. Heyburn	Fred Morgan	Will Tom Wathen
Lon C. Hill	Thomas J. Murphy	W. W. Webster
Estill R. Hilton	Goebel W. Newsom, Jr.	William B. Wells
Chester J. Holsclaw		T. D. Winstead
William M. Horn	Foster Ockerman	Walker H. Wiseman
William L. Jones	Louis T. Peniston	Paul E. Young

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Those who voted in the negative were—

Charles W. Buchanan	Harold G. Helm	Carl D. Melton
	James W. Lambert	LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 327. AN ACT relating to fire prevention and protection.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Commissioner" means the commissioner of insurance;

(2) "Department" means the department of insurance;

(3) "Fire loss" means loss of or damage to property, loss of life or personal injury, by fire, lightning or explosion;

(4) "Owner" means any person who owns, occupies or has charge of any property;

(5) "Property" means property of all types, both real and personal, movable and immovable;

(6) "Rule" or "regulation" means a general order of the commissioner, designed for the prevention of fire loss, which affects or may affect property rights of a designated class of owners or for the prevention of fire loss by certain indicated hazards;

(7) "Order" or "special order" means an order of the commissioner, designed for the prevention of fire loss, which affects or may affect the property rights of a particular owner or designated property.

Section 2. Any power, duty or function vested in the commissioner, by any provision of this Act may be exercised, discharged, or performed by any deputy or assistant of the department acting in the commissioner's name and by his delegated authority.

Section 3. (1) The commissioner shall enforce or aid in the enforcement of all laws, regulations and ordinances of the state and its political subdivisions relating to fire loss as herein defined:

(a) The prevention or reduction of loss by fire or by other hazard or risk insured by property or casualty insurance companies doing business in this state, except as to disability insurance and workmen's compensation, and shall enforce any other regulations or methods adopted for the prevention of loss from such hazards or risks in order to promote the safety of persons or property;

(b) The manufacture, transportation, storage, sale or use

of combustibles, explosives and hazardous materials or equipment;

(c) The design, construction, and maintenance of property which has a direct bearing on safety to life and property;

(d) The construction, installation, maintenance or equipment of fire alarm systems, fire protection and extinguishing equipment, and fire escapes and other means of access to or exit from property;

(e) Arson and related offenses.

(2) The commissioner is authorized to:

(a) Investigate the cause, origin, and circumstances of fires and explosions for the purpose of detecting and suppressing arson and related offenses, or for the purpose of minimizing or preventing fire loss;

(b) Supervise and make periodic inspections of all property within the state, and assist cities having fire departments in making like periodic inspections of all property in such cities, except occupied private dwellings;

(c) Make and enforce reasonable rules and orders for the prevention of fire loss, and for the adoption, approval, and installation of such safety equipment as will minimize fire loss;

(d) Provide technical and engineering advice and assistance to state and local governmental agencies in relation to fire prevention or fire protection;

(e) Direct and assist owners of educational institutions, places of public assembly, institutional buildings, public buildings, factories, business buildings, or other places where persons congregate, in the instruction of fire prevention, and the holding of fire drills;

(f) Conduct fire prevention and educational campaigns;

(g) Conduct examinations into the cause, origin, or circumstances of fire losses;

(h) Hold such hearings as he may deem necessary or desirable as to any matter within the scope of this Act.

Section 4. The commissioner shall appoint a state fire marshal and such deputy fire marshals, assistants and employes as are necessary to carry out the purposes of this Act. The state fire marshal, under the general direction of the commissioner, shall enforce and administer the provisions of this Act and rules and regulations issued hereunder. The chief of each city fire department and the sheriff of each county, shall be deemed deputies when ordered by the commissioner to act as such for their respective cities and counties.

Section 5. The deputy fire marshal for any city or county in which fire loss occurs, shall immediately investigate the origin and circumstances of the fire and determine the cause of the fire so far as practicable. If it appears to the deputy that the fire is of suspicious origin he shall immediately notify the department.

Section 6. Every insurer authorized to transact business in this state shall report to the department, such loss or damage by fire, lightning, or explosion occurring to property insured by such insurer in this state, as may be, and in the manner prescribed by the commissioner. Provided, however, the commissioner may waive the reporting of such losses which are deemed unimportant because of the small amount involved to the end that a saving in time and expense will result.

Section 7. From the reports made to him, the commissioner shall keep a record of fire losses occurring in this state and of facts concerning them. He shall make such compilations, investigations and statistical summaries as he deems proper, all of which shall be kept as permanent records in his office. All such records shall be public, except that the commissioner may, in his discretion, withhold from the public statements and testimony taken in an investigation or examination, correspondence relating to an investigation or examination, confidential reports of private persons and agents, and reports of investigations of fire losses.

Section 8. (1) The department shall have jurisdiction over all property in the state insofar as it is necessary for the administration and enforcement of all laws, ordinances, rules and regulations designed to protect the public from fire loss.

(2) The commissioner may at all reasonable hours of the

day or night enter in or upon any property to make an inspection or investigation for the purpose of preventing fire loss or determining the origin of any fire, but this subsection shall apply to the interior of private, occupied dwellings only when a fire has occurred therein or when the officer has reason to believe that unsafe fire conditions exist in the building.

(3) No person shall obstruct, hinder or delay such an officer in the performance of his duty.

Section 9. (1) The commissioner may subpoena witnesses, administer oaths, require the production of books, papers, accounts, documents and other records or materials of an evidentiary nature and may examine witnesses in any investigation, hearing, action or proceeding authorized under this Act.

(2) Examinations may be public or private. Persons other than those required to be present may be excluded from the place where the examination or hearing is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(3) If any person fails to respond to a subpoena, or refuses to be sworn, or refuses to testify, or fails or refuses to produce any record or material called for, or fails or refuses to comply with a lawful order of the commissioner, or performs any contemptuous or contumacious act after being summoned to appear in connection with an investigation, hearing, action or proceeding authorized under this Act, the commissioner shall certify the facts to the circuit court of the county in which the offense was committed. That court shall have jurisdiction to hear, try and punish such persons as in other cases of contempt.

(4) The same fees shall be paid for the service of process, the taking of depositions and for the services of stenographers as is provided for like services in circuit court.

Section 10. If, after an investigation or examination, the commissioner believes that the evidence concerning a fire indicates that a crime has been committed he shall furnish all data of an evidentiary nature in his possession to the county attorney of the county in which the fire took place, or the Common-

wealth's attorney in that district, and request that such attorney institute such criminal proceeding as the evidence warrants.

Section 11. (1) The commissioner shall promulgate reasonable rules and regulations based upon good engineering practice and principles as embodied in recognized standards of fire prevention and protection, providing for a reasonable degree of safety for human life against the exigencies of fire and panic, and ensuring as far as is practicable against fire loss. Such rules and regulations shall be known as the Standards of Safety.

(2) In making such rules and regulations the commissioner shall establish minimum fire prevention and protection requirements, including but not limited to requirements for design, construction, installation, operation, storage, handling, maintenance or use of the following: structural requirements for the various types of construction; building restrictions within congested districts; exit facilities from structures; fire alarm systems and fire extinguishing systems; fire emergency drills; requirements for buildings of public assembly; flue and chimney construction; heating devices; electrical wiring and equipment; air conditioning, ventilating and other duct systems; refrigeration systems; flammable liquids, oil and gas wells; garages, repair and service shops; application of flammable finishes, explosives; acetylene, liquefied petroleum gas and similar products; calcium carbide and acetylene generators; dry cleaning and dyeing plants; flammable motion picture film; combustible fibres; airports and airport buildings; hazardous chemicals; rubbish, open flame devices; parking of vehicles; dust explosions; lightning protection; and other special fire hazards.

Section 12. The commissioner shall conduct a hearing prior to the issuance of rules and regulations promulgated pursuant to Section 11 of this Act. At such hearing interested parties shall be given an opportunity to be heard in person or by counsel. At least ten days in advance of the hearing the commissioner shall cause a notice of such hearing to be published in two or more daily newspapers of general circulation published and circulated in this state. No defect or inaccuracy in the notice or in its publication shall invalidate any such rules or regulations.

Section 13. This Act shall not deprive the authorities of any

county, city or other political subdivision, of any power or jurisdiction over any property. Whenever the commissioner, by rules and regulations perscribes a standard of safety from fire loss, such rules and regulations shall establish a minimum requirement concerning the matters covered thereby and shall be so construed in relation to any local rules and regulations.

Section 14. (1) Whenever the commissioner finds that any property is not safe as to fire loss, under the terms and conditions of this Act, and under the regulations promulgated, or that the practices or methods of operation or processes employed or used in connection therewith do not afford adequate protection from loss, under this Act or under such regulations, he shall order that additions, improvements or changes be made and such equipment be provided as will reasonably render the property safe.

(2) Before any such order is made a hearing shall be held in accordance with the provisions of KRS 304.044, 304.046 and 304.048.

(3) Appeals from any order or action of the commissioner under this section may be taken in the manner prescribed in KRS 304.050 and 304.052.

Section 15. Whenever the commissioner or other officer has reason to believe that a fire hazard should be corrected and he is unable to determine after a diligent search the owner of any property to be affected, he shall post notice of a hearing concerning such hazard in a conspicuous place on or near such property and shall publish such notice in a newspaper of general circulation in the county in which the property is located. The hearing shall be held in accordance with Section 14 of this Act at the time and place specified in the notice as if such notice had been served on the owner.

Section 16. The commissioner shall keep a permanent record of all orders, rules and regulations. Each such order, rule or regulation, shall be admissible in any prosecution for the violation of any of its provisions. Provisions of an order, rule or regulation shall be presumed to be lawful and to fix a reasonable and proper requirement and standard of safety from fire loss.

Section 17. If any owner fails to comply with an order of the commissioner, or with an order as modified on appeal, the commissioner may cause the property to be repaired, or removed if repair is not feasible, or all fire hazard conditions remedied, at the expense of the owner. Such expense may be enforced against any property of such owner, and the commissioner and those employed by him to do the work or who furnish materials or equipment therefor, shall have a lien for such expense on the real estate property involved.

Section 18. (1) The chief of the fire department of a city, or any officer or member of his department designated by him for that purpose, is authorized to inspect all property for the purpose of ascertaining and causing to be corrected any conditions likely to cause fire loss, or determining the cause or origin of any fire loss, or discovering any violation of a law or ordinance relating to fire prevention and protection. This authority shall apply to the interior of occupied, private dwellings only when a fire loss has occurred therein or when the officer has reason to believe that unsafe conditions exist in the building. Inspections of property in the territory served by the fire department shall be made as often as practicable or as often as the city legislative body may direct.

(2) A written report of each inspection shall be made and kept on file in the office of the chief of the fire department. Reports of investigations of fire losses conducted by a fire department may, in the discretion of the chief of the fire department, be withheld from the public.

Section 19. (1) Whenever the chief of the fire department of a city, or any officer or member of his department designated by him for that purpose, finds any property which, for want of repairs, lack of sufficient fire escapes, age, dilapidated condition or any other cause, is especially liable to fire loss, or whenever an officer finds in any property combustible or explosive matter or inflammable materials likely to result in fire loss, he shall order it to be remedied. The order shall forthwith be conformed to by the owner of the property.

(2) The owner may appeal to the commissioner within ten days following receipt of the order. The commissioner shall,

within twenty days, review the order and file his decision. The order shall remain in full force until it is revoked or modified by the commissioner.

Section 20. If any owner fails to comply with an order issued pursuant to Section 19 of this Act or with an order as modified on appeal to the commissioner, the officer may cause the property to be repaired, or removed if repair is not feasible, and all fire hazard conditions remedied, at the expense of the owner. Such expense may be enforced against any property of such owners and the officer and those employed to do the work or who furnish materials or equipment therefor shall have a lien for such expense on the real estate or property involved.

Section 21. (1) No owner shall fail to furnish and use reasonable adequate protection and safeguards against fire loss, or fail to adopt and use processes and methods reasonably adequate to render such places safe from fire loss.

(2) No owner shall require or allow the public or any employe to go into or be in any property under his control which is not reasonably safe from the fire loss.

Section 22. Any person who violates any provision of this Act or any provision of a lawful order, rule or regulation made under the provisions of this Act, or who induces another to violate any provisions of this Act or of any lawful order, rule or regulation made thereunder, shall be fined not less than ten dollars nor more than five hundred dollars, or confined in the county jail for not more than sixty days, or both. Each day such violations exist shall, in the discretion of the courts, be considered as a separate offense.

Section 23. Sections 227.010 to 227.190 and 227.990 of the Kentucky Revised Statutes are hereby repealed and a new Chapter of the Kentucky Revised Statutes is hereby created to be numbered Chapter 227 which shall contain this Act.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 5, section 9, subsection 1, line 1. Following the word "commissioner", by adding the words "the fire marshal or any deputy fire marshal".

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 327.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—On page 6, section 9, subsection 3, line 14. Following the word "commissioner", by adding the words "the fire marshal or any deputy fire marshal".

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 327.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 3—On page 6, section 9, subsection 3, line 17. Following the word "commissioner", by adding the words "the fire marshal or any deputy fire marshal, as the case may be".

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 327.

Said motion was agreed to by voice vote.

Said amendment was concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Herbert Fern	Eddie J. Morris
John Rhea Banton	Thomas P. Fitzpatrick	Thomas J. Murphy
Clarence J. Barnum	Cabell D. Francis	Goebel W. Newsom, Jr.
Wallace Bartley	Henry R. Heyburn	Foster Ockerman
Charles E. Baumgardner, Sr.	Lon C. Hill	Louis T. Peniston
Owen Billington	Estill R. Hilton	Edward D. Pollitte
Leo A. Bleemel	Chester J. Holsclaw	Paul T. Ratcliffe
J. C. Bradley	William M. Horn	Jack Raybourne, Jr.
Edward T. Breathitt, Jr.	William L. Jones	Hobart Rayburn
Edward O. Bridgers	Jennings H. Kearby	L. M. Tipton Reed
John Young Brown	Talmage Lacy	Robert Reid
Harry M. Caudill	George H. Lovelace	Joe Rouse
William J. Conley	Harry King Lowman	William A. Routh
R. Josh Cosby	Shelby McCallum	W. R. Smith
Vernor O. Cottengim	Ralph E. McClanahan	Mrs. Thelma L. Stovall
W. Marvin Davis	Damon Majors	Eulick Walsh
Albert Dempsey	William C. Mann	Will Tom Wathen
James A. Dressman, Jr.	Carl D. Melton	W. W. Webster
Harold Edmonds	Tom Mobley	William B. Wells
Addison L. Everett	Robert K. Montgomery	T. D. Winstead
	Walter R. Moorman	Walker H. Wiseman
		Paul E. Young

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Those who voted in the negative were—

Charles W. Buchanan	Harold G. Helm	George R. Martin
	James W. Lambert	LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 342. AN ACT relating to trailer coach parks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Trailer Coach" or "Mobile Home" means any vehicle or similar portable structure used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways, and designed to permit the occupancy thereof as a dwelling place for one or more persons;

(2) "Dependent trailer coach" or "Dependent mobile house" means a trailer coach which does not have toilet and bath or shower facilities;

(3) "Independent trailer coach" or Independent mobile home" means a trailer coach with self-contained toilet and bath or shower facilities;

(4) "Trailer coach park" or "Park" means an area of land upon which two or more occupied trailer coaches are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such trailer coach parks;

(5) "Trailer coach space" or "Trailer coach site" means a plot of ground within a trailer coach park designated for the accomodation of one trailer coach;

(6) "Department" means the State Department of Health;

(7) "Board" means the State Board of Health.

Section 2. No one shall operate a trailer coach park without having first obtained a permit as provided for in this Act. An application for a permit to conduct a trailer coach park shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as may be pre-

scribed. Each application shall be accompanied by a permit fee of twenty-five dollars.

Section 3. (1) Upon receipt of an application for a permit to operate, accompanied by the permit fee, the department shall issue a permit, if the trailer coach park meets the standards and requirements of this Act and the rules and regulations of the board.

(2) Any one operating a trailer coach park which is in operation on July 1, 1954, shall be issued a permit to operate, provided that, by January 1, 1955, the trailer coach park shall comply with all requirements of sanitation established under this Act including the rules and regulations adopted therefor. However, failure to comply with the required standards within the six months period, shall result in the institution of an action for revocation or suspension of the permit.

(3) Each permit to operate, unless sooner suspended or revoked, shall expire on June 30 following its issuance, and be renewable annually, upon application for a fee of ten dollars.

(4) Trailer coach parks operated by governmental agencies shall be exempt from the payment of fees and permit requirements but shall comply with all other requirements of this Act.

(5) Each permit to operate shall be issued only for the premises and persons named in the application and shall not be transferable.

(6) Permits to operate shall be posted in a conspicuous place at the trailer coach park.

Section 4. No trailer coach park shall be constructed or extensively altered without a permit as provided in this Act. An application for a permit to construct a trailer coach park shall be made to the department upon forms provided by it. The application shall include plans for construction or extensive alteration and shall contain such information in regard to the proposed trailer coach park as the department may reasonably require, which may include affirmative evidence of ability to comply with requirements of this Act and standards, rules and regulations as may be lawfully prescribed hereunder. Each application for a permit to construct or extensively alter a trailer

coach park shall be accompanied by a permit fee of twenty-five dollars.

Section 5. (1) The department may issue a permit to construct upon receipt of an application for a permit to construct a trailer coach park. If the application is refused, the department shall give the reasons therefor in writing to the applicant; and if the objections can be corrected, the applicant may send his application and re-submit it for approval. If a permit to construct a trailer coach park has been issued, the applicant, upon completion, shall notify the department. The department shall than inspect the trailer coach park and, if completed in accordance with the accepted application, the department shall issue a permit to operate upon receipt of the application and permit fee required in Section 2 of this Act.

(2) No change in any sanitary facilities, methods of water supply, sewer drainage, garbage or waste disposal, and no change in the plan of any existing trailer coach park or in any proposed trailer coach park for which an application to construct has been made or permit to construct has been issued, shall be made without first making a written application to the department and receiving a written permit. The application shall be made in the manner prescribed for an original application. The change or changes shall comply with such sanitary code, rules and regulations as are applicable thereto.

(3) A permit to construct or alter a trailer coach park does not relieve the applicant from securing building permits in municipalities or counties having a building code, or from complying with any municipal or county zoning or other ordinance applicable thereto.

Section 6. (1) The department, after notice to the applicant or holder of a permit to operate and after a hearing as herein provided, is authorized to deny, suspend or revoke a permit to operate in any case where it finds that there has been a failure to comply with the requirements established under this Act.

(2) Notice of hearing shall be issuel in the name of the department. It shall state the time and place of the hearing

which shall not be less than thirty days from service of the notice, and shall contain a concise statement of the reason for the hearing and sufficient information to reasonably apprise the applicant or holder of the permit of the substance of the facts claimed to constitute a violation of this Act.

(3) Service of notices may be made in the manner prescribed by law for the service of civil process, or may be made by any employe of the department personally delivering same to the applicant or holder of the permit, or by the department forwarding same to the applicant or holder of the permit by United States registered mail postage prepaid at the address of the applicant or holder as reflected by the records of the department.

(4) The hearing may be conducted by a hearing officer or a hearing committee appointed by the department. All persons appointed by the department as hearing officer or as members of a hearing committee are authorized to administer oaths, issue subpoenas for attendance of witnesses and for the production of books, papers and documents, and to cite for contempt, before the circuit or quarterly court in the county in which the hearing is held, disobedience of its process or insubordinate or disrespectful conduct.

(5) The applicant or holder of the permit proceeded against shall be known as "respondent" and shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the department so permits, by deposition.

(6) All decisions revoking, suspending or denying permits or applications shall be made by the department, which may review any and all orders and rulings made by a hearing officer or hearing committee, and which shall consider the entire transcript of the record of hearing that shall be prepared and furnished to the department in the event the hearing is conducted by a hearing officer or hearing committee.

(7) The department shall notify by registered United States mail postage prepaid the applicant or holder of permit of the decision of the department which decision shall become final

and conclusive thirty days after notice thereof is given as above provided, unless the applicant or holder of the permit within said thirty day period, appeals to the board therefrom pursuant to Section 13 of this Act.

(8) The procedure governing hearings authorized by this section shall be in accordance with the rules promulgated by the board.

Section 7. Each trailer coach park issued a permit to operate or to be constructed under the provisions of this Act shall:

(1) Comply with all local zoning regulations;

(2) Be in charge of a responsible attendant or caretaker at all times;

(3) Not allow a nuisance to be created or allow a nuisance to continue to exist in the trailer coach park;

(4) Be so located that the drainage of the park area will endanger any water supply;

(5) Be well drained;

(6) Furnish an adequate supply of water of safe, sanitary quality, approved by the department, as well as an adequate supply of hot water;

(7) Provide adequate toilet, lavatory and bathing facilities for occupants of dependent trailer coaches;

(8) Maintain buildings at a temperature of at least sixty-eight degrees Fahrenheit during the period from October 1 to May 1;

(9) Provide a laundry room or building containing laundry trays to accommodate the patrons of the trailer coach park, however no laundry trays shall be located in toilet or bathrooms;

(10) Dispose of all sewage and other water-carried wastes into a municipal sewage system whenever available; However where connections are not available, disposal shall be into a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to health, and is approved by the department;

(11) Permit no water or waste to fall on the ground from a trailer coach;

(12) Supply a sufficient number of adequate flyproof and watertight containers for the storage of garbage and rubbish;

(13) Dispose of garbage and rubbish in a manner which creates neither a nuisance nor a menace to health and which is approved by the department;

(14) Employ adequate insect and rodent control measures;

(15) Make all buildings fly and rodent proof and eliminate rodent harborages;

(16) When community kitchens and dining rooms are provided, maintain such facilities and equipment as are supplied, in a sanitary condition and good repair;

(17) Be subject to the rules and regulations of the State Fire Marshal;

(18) Notify immediately the local health department of any suspected communicable disease within the trailer coach park.

Section 8. When the department has approved an application for a permit to construct or make alterations upon a trailer coach park or the appurtenances thereto, or a permit to operate and maintain such a park, it shall retain the original and keep a file thereof. One copy shall be returned to the applicant or his agent; and one copy to the local health department of the county in which the trailer court park is located.

Section 9. The board is empowered to establish standards and requirements for trailer coach parks within the provision of this Act, and to promulgate rules and regulations for the administration and enforcement of this Act and the standards and requirements established.

Section 10. Nothing in this Act should be construed to include buildings, tents, or other structures maintained by any individual or company on their own premises and used exclusively to house their own farm labor, or the area or premises on any farm upon which are harbored trailer coaches occupied

by persons employed upon the farm for not more than ninety days in any calendar year in the production, harvesting or processing of agricultural products produced.

Section 11. The department shall enforce the provision of this Act and the rules and regulations adopted pursuant thereto affecting health sanitation, water supply, sewage, garbage and waste disposal, and the department shall cause to be inspected at least once each year each trailer coach park and all accommodations and facilities connected therewith. The department may carry out the provisions of this Act through the local health departments. Such officials or employes of the department and the local health departments are hereby granted the power and authority to enter upon the premises of each trailer coach parks at any time for the purposes set forth in this section.

Section 12. Trailer coach parks operating only between May 1 to October 1, shall be governed by separate rules and regulations of the board if in the opinion of the board such rules and regulations are necessary.

Section 13. Any applicant or holder of a permit aggrieved by a decision of the department made in accordance with section 6 of this Act may, within thirty days after the mailing of notice of the decision as provided in section 6, prosecute an appeal therefrom to the board.

Section 14. All fees collected under the provisions of this Act shall be deposited in the State Treasury in a revolving fund for the use of the department in carrying out the provisions of this Act.

Section 15. There is hereby appropriated to the department out of the general expenditure fund in the state treasury, the sum of twenty thousand dollars for each of the fiscal years 1954-55 and 1955-56, which appropriation shall be in addition to any other appropriations made to the department.

Section 16. Any person who violates any provision of this Act, shall be fined not less than ten dollars nor more than one hundred dollars. Each day of violation shall constitute a separate offense.

Section 17. This Act shall become effective on July 1, 1954.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 10, by striking in its entirety Section 15.

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 342.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Young Brown	Herbert Fern
John Rhea Banton	Charles W. Buchanan	Thomas P. Fitzpatrick
Clarence J. Barnum	Harry M. Caudill	Cabell D. Francis
Wallace Bartley	William J. Conley	Harold G. Helm
Charles E. Baumgardner, Sr.	R. Josh Cosby	Henry R. Heyburn
Owen Billington	Vernor O. Cottengim	Lon C. Hill
Leo A. Bleemel	W. Marvin Davis	Estill R. Hilton
J. C. Bradley	Albert Dempsey	Chester J. Holsclaw
Edward T. Breathitt, Jr.	James A. Dressman, Jr.	William M. Horn
Edward O. Bridgers	Harold Edmonds	William L. Jones
	Addison L. Everett	Jennings H. Kearby
		Talmage Lacy

James W. Lambert
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
George R. Martin
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Joe Rouse
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
T. D. Winstead
Walker H. Wiseman
Paul E. Young
—66

Those who voted in the negative were—

Carl D. Melton
LeRoy Saylor
—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 349. AN ACT relating to collection of taxes upon property in any fire protection district, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 75.040 of the Kentucky Revised Statutes is hereby amended to read as follows:

Upon the creation of a fire protection district as provided in KRS 75.010 to 75.030 the trustees of such district are hereby authorized to establish and operate a fire department in such district and to levy a tax upon the property in said district, subject to county tax, and not exceeding ten cents per one

hundred dollars of valuation as assessed for county taxes, for the purpose of defraying the expenses of such establishment, maintenance and operation of said fire department or to make contracts for fire protection for such district as provided in KRS 75.050. After the tax has been levied as herein provided, such trustees may certify the same to the sheriff of the county in which the fire protection district is located who may collect such tax when and as the county taxes are collected by him, or such trustees may employ their own tax collector to collect such taxes. Any delinquent fire protection district taxes shall bear the same interest and penalties as do delinquent county taxes. Whoever collects such taxes shall be entitled to a commission of one percent of the amount collected by him.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 2, section 1, line 14, so that after the word "may" the remainder of said Section shall read as follows:

"if he elects to do so, collect such tax when and as the county taxes are collected by him, or such trustees may certify the same to and employ their own tax collector to collect such taxes in the event the sheriff elects not to collect same. Any delinquent fire prevention district taxes shall bear the same interest and penalties as do delinquent county taxes. Whoever collects such taxes shall be entitled to a commission of one percent of the amount collected by him."

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 349.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said

bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Joe Rouse
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
T. D. Winstead
Walker H. Wiseman
Paul E. Young

—63

Those who voted in the negative were—

Charles W. Buchanan
Harold G. Helm
James W. Lambert
George R. Martin
LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 366. TEACHERS' RETIREMENT ACT, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 161.430 KRS be amended and re-enacted so that when re-enacted it shall read as follows:

(1) The Board of Trustees shall be the trustee of the funds of the Retirement System, and shall have full power and responsibility for the investment and disbursement of the funds. No investment shall be made of the funds except in the following:

(a) Obligations of the United States and obligations for which the faith of the United States is pledged for the payment of the interest and principal.

(b) Obligations of the Commonwealth of Kentucky and obligations of its departments.

(c) Obligations of any city of the first, second, third, and fourth classes of the Commonwealth of Kentucky which are payable from voted taxes.

(d) School improvement bonds issued in accordance with authority granted under KRS 162.080 to and including KRS 162.100.

(e) School building revenue bonds issued in accordance with authority granted under KRS 162.120 to and including KRS 162.300, provided the issuance of such bonds is approved by the State Department of Education.

(f) Revenue bonds issued by educational institutions of

the Commonwealth of Kentucky as authorized by KRS 162.340 to and including KRS 162.380.

(g) Bonds issued by corporations organized under the Laws of the United States or of any State in the United States, or of the District of Columbia, when such bonds have a rating of the highest or next highest classification made by a nationally known major rating service.

(h) Deposits in banks or trust companies in the Commonwealth of Kentucky organized under the Laws of this State, or of the United States, when such deposits are interest bearing at a rate not lower than two per centum per annum, and when such deposits are fully secured by direct obligations of the United States Government, placed in the hands of the State Treasurer and approved by the Board of Trustees.

(2) (a) Not more than 25 per cent of any one issue may be purchased by the Board of Trustees as an investment; and not more than five per cent of the invested funds of the Retirement System may be invested in the obligations of any issuer except in the case of obligations of the United States Government. No investment may be made in the obligation of any issuer which has been in default on any of its bonds or interest during a period of the last ten years immediately preceding the purchase.

(b) Not more than 16 per cent of the receipts of any fiscal year may be invested in all of the foregoing classifications of (c), (d), (e), and (f); and not more than eight per cent of the receipts of any fiscal year may be invested in corporate bonds of classification (g) of Subsection 1.

(3) No investment or disbursement of the funds shall be made unless authorized by resolution adopted by the Board of Trustees.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 1, section 1 (1) (b), line 12. Delete period at the end of sentence and substitute ", including revenue bonds."

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 366.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Lloyd E. Rogers
Joe Rouse
W. R. Smith
Mrs. Thelma L. Stovall
Eulick Walsh

Will Tom Wathen	William B. Wells	Walker H. Wiseman
W. W. Webster	T. D. Winstead	Paul E. Young

—63

Those who voted in the negative were—

Charles W. Buchanan	Harold G. Helm	George R. Martin
	James W. Lambert	LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 463. AN ACT relating to the compensation of certain public officers and employes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.520 of the Kentucky Revised Statutes is amended to read as follows:

In any judicial district composed of only one county, the assistant Commonwealth's attorneys and the stenographers and district detectives for the Commonwealth's attorney, provided for by law, shall receive such compensation, payable out of the county treasury, as is fixed by the fiscal court. In any judicial district composed of more than one county, for which an assistant Commonwealth's attorney, stenographer or district detective for the Commonwealth's attorney is provided for by law, the fiscal courts of the several counties shall, by joint action, exercise the powers conferred by this section upon the fiscal courts of single-county districts with respect to fixing compensation, and such compensation shall be paid out of the county treasuries of the respective counties in proportion to the amount

of work attributable to each county, the proportion being certified by the Commonwealth's attorney.

Section 2. Section 69.105 of the Kentucky Revised Statutes is amended to read as follows:

In counties containing a city of the second class, the Commonwealth's attorney may appoint a stenographer for a term of four years, subject to removal at any time by the Commonwealth's attorney. The stenographer shall do stenographic work for the Commonwealth's attorney and perform such other duties assigned to him by the Commonwealth's attorney, and shall have the same power of administering an oath as a notary public. The stenographer may receive an annual salary of not less than fifteen hundred dollars, nor more than eighteen hundred dollars, to be paid by the fiscal court out of the county levy in equal monthly installments, except that in a county which constitutes a separate judicial district an annual salary of twelve hundred dollars to three thousand dollars shall be paid. In judicial districts which contain one or more other counties in addition to the county containing a city of the second class, each county shall pay a proportionate part of the salary of the stenographer in proportion to the amount of work attributable to each county, the proportion being certified by the Commonwealth's attorney; and provided same is approved by the fiscal courts of such counties.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 2, section 2, lines 13, 14 and 15 by striking the following words "except that in a county which constitutes a separate judicial district an annual salary of twelve hundred dollars to thirty six hundred dollars shall be paid"

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 463.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—On page 2, section 2, lines 10, 11 and twelve by striking the following words: "of not less than fifteen

hundred dollars, nor more than eighteen hundred dollars, to be" and substituting in lieu thereof the following "to be fixed and"

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 463.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	R. Josh Cosby	William M. Horn
John Rhea Banton	Vernor O. Cottengim	William L. Jones
Clarence J. Barnum	W. Marvin Davis	Jennings H. Kearby
Wallace Bartley	Albert Dempsey	Talmage Lacy
Charles E. Baumgardner, Sr.	James A. Dressman, Jr.	George H. Lovelace
Owen Billington	Harold Edmonds	Harry King Lowman
Leo A. Bleemel	Addison L. Everett	Shelby McCallum
J. C. Bradley	Herbert Fern	Ralph E. McClanahan
Edward T. Breathitt, Jr.	Thomas P. Fitzpatrick	Damon Majors
Edward O. Bridgers	Cabell D. Francis	William C. Mann
John Young Brown	Henry R. Heyburn	Carl D. Melton
Harry M. Caudill	Lon C. Hill	Tom Mobley
William J. Conley	Estill R. Hilton	Robert K. Montgomery
	Chester J. Holsclaw	Walter R. Moorman

Eddie J. Morris	Hobart Rayburn	Eulick Walsh
Thomas J. Murphy	L. M. Tipton Reed	Will Tom Wathen
Goebel W. Newsom, Jr.	Robert Reid	W. W. Webster
	Joe Rouse	William B. Wells
Foster Ockerman	William A. Routh	T. D. Winstead
Louis T. Peniston	W. R. Smith	Walker H. Wiseman
Edward D. Pollitte	Mrs. Thelma L. Stovall	Paul E. Young
Paul T. Ratcliffe		
Jack Raybourne, Jr.		—63

Those who voted in the negative were—

Charles W. Buchanan	Harold G. Helm	George R. Martin
	James W. Lambert	LeRoy Saylor

—5

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 246. AN ACT relating to the providing of facilities for circuit courts and county officers by fiscal courts in counties in which circuit court is, or may be held at two places, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 23.090 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Any city, or portion of a city, coming within the provisions of KRS 23.060 shall be entitled to the benefits of KRS 23.060 to 23.080, whenever suitable provision is made by the fiscal court for furnishing a courtroom and a safe and suitable vault and depository for all books, papers and records pertaining to the circuit court in such city. Whenever it is made to appear

to the circuit judge that the necessary provisions for holding circuit court have been made in the city, the judge, upon application of the city on the first day of the first term after filing the application, shall enter an order directing the latter portion of said term and each term thereafter to be held in the city, and all cases shall be assigned for trial at one or the other of said places.

(2) In counties having a population of less than one hundred and fifty thousand and containing a city of the second class which is not the county seat and in which city the fiscal court does not own, operate or maintain a courthouse, where terms of the circuit court are held in both the county seat and the city of the second class, the fiscal court shall provide quarters for all courts and county officers in said city of the second class and in the county seat. The fiscal court may acquire land for the purpose of constructing a courthouse, and may issue bonds to provide for the payment of said construction, or it may contract with the city of the second class for the rent or lease of suitable quarters for the holding of court and the offices for county officers, the terms of the lease to be agreed upon by the fiscal court of such county and the governing body of such city.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 2, section 2, line 28 by inserting after the comma following the word "officers" the words: "for a rental of not less than one thousand dollars per month, nor more than two thousand dollars per month,"

Mr. Lowman moved that the House do now concur in said Senate amendment to H. B. No. 246.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said bill be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Wallace Bartley
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
Cabell D. Francis
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
George H. Lovelace
Harry King Lowman
Shelby McCallum
Ralph E. McClanahan
Damon Majors
William C. Mann
Carl D. Melton
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Jack Raybourne, Jr.
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Joe Rouse
William A. Routh
W. R. Smith
Mrs. Thelma L. Stovall
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
T. D. Winstead
Walker H. Wiseman
Paul E. Young

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Those who voted in the negative were—

Charles W. Buchanan
John L. Day
James W. Lambert
George R. Martin
LeRoy Saylor

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

SENATE MESSAGE

A message was received from the Senate that they had passed a bill originating in the House, as follows, viz:

H. B. No. 139. AN ACT relating to rabies control, the licensing and regulation of dogs and the protection of dogs and livestock.

With Senate amendments attached thereto.

With the request that the House concur in said amendments.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 136. AN ACT relating to partnerships.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I

PRELIMINARY PROVISIONS

Section 1. NAME OF ACT.—This Act may be cited as Uniform Partnership Act.

Section 2. DEFINITION OF TERMS.—In this Act, "Court" includes every court and judge having jurisdiction in the case.

"Business" includes every trade, occupation, or profession.

"Person" includes individuals, partnerships, corporations, and other associations.

"Bankrupt" includes bankrupt under the Federal Bankruptcy Act or insolvent under any state insolvent act.

"Conveyance" includes every assignment, lease, mortgages, or encumbrance.

"Real Property" includes land and any interest or estate in land.

Section 3. INTERPRETATION OF KNOWLEDGE AND NOTICE—(1) A person has "knowledge" of a fact within the meaning of this Act not only when he has actual knowledge thereof, but also when he has knowledge of such other facts as in the circumstances shows bad faith.

(2) A person has "notice" of a fact within the meaning of this Act when the person who claims the benefit of the notice:

(a) States the fact to such person, or

(b) Delivers through the mail, or by other means of communication, a written statement of the fact to such person or to a proper person at his place of business or residence.

Section 4. RULES OF CONSTRUCTION.—(1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this Act.

(2) The law of estoppel shall apply under this Act.

(3) The law of agency shall apply under this Act.

(4) This Act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

(5) This Act shall not be construed so as to impair the obligations of any contract existing when the Act goes into effect, nor to affect any action or proceedings begun or right accrued before this Act takes effect.

Section 5. RULES FOR CASES NOT PROVIDED FOR IN THIS ACT—(1) In any case not provided for in this Act the rules of law and equity, including the law merchant, shall govern.

PART II

NATURE OF PARTNERSHIP

Section 6. PARTNERSHIP DEFINED.—(1) A partnership is an association of two or more persons to carry on as co-owners a business for profit.

(2) But any association formed under any other statute of this state, or any statute adopted by authority, other than the authority of this state, is not a partnership under this Act, unless such association would have been a partnership in this state prior to the adoption of this Act; but this Act shall apply to limited partnerships except in so far as the statutes relating to such partnerships are inconsistent herewith.

Section 7. RULES FOR DETERMINING THE EXISTENCE OF A PARTNERSHIP.—In determining whether a partnership exists, these rules shall apply:

(1) Except as provided by Section 16 persons who are not partners as to each other are not partners as to third persons.

(2) Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payment:

(a) As a debt by installments or otherwise,

(b) As wages of an employe or rent to a landlord,

(c) As an annuity to a widow or representative of a deceased partner,

(d) As interest on a loan, though the amount of payment vary with the profits of the business,

(e) As the consideration for the sale of a good-will of a business or other property by installments or otherwise.

Section 8. PARTNERSHIP PROPERTY.—(1) All property originally brought into the partnership stock or subsequently acquired by purchase or otherwise, on account of the partnership, is partnership property.

(2) Unless the contrary intention appears, property acquired with partnership funds is partnership property.

(3) Any estate in real property may be acquired in the partnership name. Title so acquired can be conveyed only in the partnership name.

(4) A conveyance to a partnership in the partnership name, though without words of inheritance, passes the entire estate of the grantor unless a contrary intent appears.

PART III

RELATIONS OF PARTNERS TO PERSONS DEALING WITH THE PARTNERSHIP

Section 9. PARTNER AGENT OF PARTNERSHIP AS TO PARTNERSHIP BUSINESS.—(1) Every partner is an agent of the partnership for the purpose of its business, and the act of every partner, including the execution in the partnership name of any instrument, for apparently carrying on in the usual way the business of the partnership of which he is a member binds the partnership, unless the partner so acting has in fact no authority to act for the partnership in the particular matter, and the person with whom he is dealing has knowledge of the fact that he has no such authority.

(2) An act of a partner which is not apparently for the carrying on of the business of the partnership in the usual way does not bind the partnership unless authorized by the other partners.

(3) Unless authorized by the other partners or unless they have abandoned the business, one or more but less than all the partners have no authority to:

(a) Assign the partnership property in trust for creditors or on the assignee's promise to pay the debts of the partnership,

(b) Dispose of the good-will of the business,

(c) Do any other act which would make it impossible to carry on the ordinary business of a partnership,

(d) Confess a judgment,

(e) Submit a partnership claim or liability to arbitration or reference.

(4) No act of a partner in contravention of a restriction on authority shall bind the partnership to persons having knowledge of the restriction.

Section 10. CONVEYANCE OF REAL PROPERTY OF THE PARTNERSHIP.—(1) Where title to real property is in the partnership name, any partner may convey title to such property by a conveyance executed in the partnership name; but the partnership may recover such property unless the partner's act binds the partnership under the provisions of paragraph (1) of Section 9 or unless such property has been conveyed by the grantee or a person claiming through such grantee to a holder for value without knowledge that the partner, in making the conveyance, has exceeded his authority.

(2) Where title to real property is in the name of the partnership, a conveyance executed by a partner, in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph (1) of Section 9.

(3) Where title to real property is in the name of one or more but not all the partners, and the record does not disclose the right of the partnership, the partners in whose name the title stands may convey title to such property, but the partnership may recover such property if the partners' act does not bind the partnership under the provisions of paragraph (1) of Section 9, unless the purchaser or his assignee, is a holder for value, without knowledge.

(4) Where the title to real property is in the name of one or more or all the partners, or in a third person in trust for the

partnership, a conveyance executed by a partner in the partnership name, or in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph (1) of Section 9.

(5) Where the title to real property is in the names of all the partners a conveyance executed by all the partners passes all their rights in such property.

Section 11. PARTNERSHIP BOUND BY ADMISSION OF PARTNER.—An admission or representation made by any partner concerning partnership affairs within the scope of his authority as conferred by this Act is evidence against the partnership.

Section 12. PARTNERSHIP CHARGED WITH KNOWLEDGE OF OR NOTICE TO PARTNER.—Notice to any partner of any matter relating to partnership affairs, and the knowledge of the partner acting in the particular matter, acquired while a partner or then present to his mind, and the knowledge of any other partner who reasonably could and should have communicated it to the acting partner, operate as notice to or knowledge of the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner.

Section 13. PARTNERSHIP BOUND BY PARTNER'S WRONGFUL ACT.—Where, by a wrongful act or omission of any partner acting in the ordinary course of the business of the partnership or with the authority of his co-partners, loss or injury is caused to any person, not being a partner in the partnership, or any penalty is incurred, the partnership is liable therefor to the same extent as the partner so acting or omitting to act.

Section 14. PARTNERSHIP BOUND BY PARTNER'S BREACH OF TRUST.—The partnership is bound to make good the loss:

(a) Where one partner acting within the scope of his apparent authority receives money or property of a third person and misapplies it; and

(b) Where the partnership in the course of its business receives money or property of a third person and the money or

property so received is misapplied by any partner while it is in the custody of the partnership.

Section 15. NATURE OF PARTNER'S LIABILITY.—All partners are liable:

(a) Jointly and severally for everything chargeable to the partnership under Sections 13 and 14.

(b) Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract.

Section 16. PARTNER BY ESTOPPEL.—(1) When a person, by words spoken or written or by conduct, represents himself, or consents to another representing him to any one, as a partner in an existing partnership or with one or more persons not actual partners, he is liable to any such person to whom such representation has been made, who has, on the faith of such representation given credit to the actual or apparent partnership, and if he has made such representation or consented to its being made in a public manner he is liable to such person, whether the representation has or has not been made or communicated to such person so giving credit by or with the knowledge of the apparent partner making the representation or consenting to its being made:

(a) When a partnership liability results, he is liable as though he were an actual member of the partnership.

(b) When no partnership liability results, he is liable jointly with the other persons, if any, so consenting to the contract or representation as to incur liability, otherwise separately.

(2) When a person has been thus represented to be a partner in an existing partnership, or with one or more persons not actual partners, he is an agent of the persons consenting to such representation to bind them to the same extent and in the same manner as though he were a partner in fact, with respect to persons who rely upon the representation. Where all the members of the existing partnership consent to the representation, a partnership act or obligation results; but in all other cases it is the joint act or obligation of the person acting and the persons consenting to the representation.

Section 17. LIABILITY OF INCOMING PARTNER.—A person admitted as a partner into an existing partnership is liable for all the obligations of the partnership arising before his admission as though he had been a partner when such obligations were incurred, except that the liability shall be satisfied only out of partnership property.

PART IV

RELATIONS OF PARTNERS TO ONE ANOTHER

Section 18. RULES DETERMINING RIGHTS AND DUTIES OF PARTNERS.—The rights and duties of the partners in relation to the partnership shall be determined, subject to any agreement between them, by the following rules:

(a) Each partner shall be repaid his contributions, whether by way of capital or advances to the partnership property and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and must contribute toward the losses, whether of capital or otherwise, sustained by the partnership according to his share in the profits.

(b) The partnership must indemnify every partner in respect of payments made and personal liabilities reasonably incurred by him in the ordinary and proper conduct of its business, or for the preservation of its business or property.

(c) A partner, who in aid of the partnership makes any payment or advance beyond the amount of capital which he agreed to contribute, shall be paid interest from the date of the payment or advance.

(d) A partner shall receive interest on the capital contributed by him only from the date when repayment should be made.

(e) All partners have equal rights in the management and conduct of the partnership business.

(f) No partner is entitled to remuneration for acting in the partnership business, except that a surviving partner is entitled to reasonable compensation for his services in winding up the partnership affairs.

(g) No person can become a member of a partnership without the consent of all the partners.

(h) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners; but no act in contravention of any agreement between the partners may be done rightfully without the consent of all the partners.

Section 19. PARTNERSHIP BOOKS.—The partnership books shall be kept, subject to any agreement between the partners, at the principal place of business of the partnership, and every partner shall at all times have access to and may inspect and copy any of them.

Section 20. DUTY OF PARTNERS TO RENDER INFORMATION.—Partners shall render on demand true and full information of all things affecting the partnership to any partner or the legal representative of any deceased partner under legal disability.

Section 21. PARTNER ACCOUNTABLE AS A FIDUCIARY.—(1) Every partner must account to the partnership for any benefit, and hold as trustee for it any profits derived by him without the consent of the other partners from any transaction connected with the formation, conduct, or liquidation of the partnership or from any use by him of its property.

(2) This section applies also to the representatives of a deceased partner engaged in the liquidation of the affairs of the partnership as the personal representatives of the last surviving partner.

Section 22. RIGHT TO AN ACCOUNT.—Any partner shall have the right to a formal account as to partnership affairs:

(a) If he is wrongfully excluded from the partnership business or possession of its property by his co-partners,

(b) If the right exists under the terms of any agreement,

(c) As provided by Section 21,

(d) Whenever other circumstances render it just and reasonable.

Section 23. CONTINUATION OF PARTNERSHIP BEYOND FIXED TERM.—(1) When a partnership for a fixed term or particular undertaking is continued after the termination of such term or particular undertaking without any express as they were at such termination, so far as is consistent with a agreement, the rights and duties of the partners remain the same as they were at such termination, so far as is consistent with a partnership at will.

(2) A continuation of the business by the partners or such of them as habitually acted therein during the term, without any settlement or liquidation of the partnership affairs, is prima facie evidence of a continuation of the partnership.

PART V

PROPERTY RIGHTS OF A PARTNER

Section 24. EXTENT OF PROPERTY RIGHTS OF A PARTNER.—The property rights of a partner are (1) his rights in specific partnership property, (2) his interest in the partnership, and (3) his right to participate in the management.

Section 25. NATURE OF A PARTNER'S RIGHT IN SPECIFIC PARTNERSHIP PROPERTY.—(1) A partner is co-owner with his partners of specific partnership property holding as a tenant in partnership.

(2) The incidents of this tenancy are such that:

(a) A partner, subject to the provisions of this Act and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to such property for any other purpose without the consent of his partners.

(b) A partner's right in specific partnership property is not assignable except in connection with the assignment of rights of all the partners in the same property.

(c) A partner's right in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt the partners, or any of them, or the repre-

sentatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

(d) On the death of a partner his right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representatives. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

(e) A partner's right in specific partnership property is not subject to dower, curtesy, or allowances to widows, heirs, or next of kin.

Section 26. NATURE OF PARTNER'S INTEREST IN THE PARTNERSHIP.—A partner's interest in the partnership is his share of the profits and surplus, and the same is personal property.

Section 27. ASSIGNMENT OF PARTNER'S INTEREST. —(1) A conveyance by a partner of his interest in the partnership does not of itself dissolve the partnership, nor, as against the other partners in the absence of agreement, entitle the assignee, during the continuance of the partnership, to interfere in the management or administration of the partnership business or affairs, or to require any information or account of partnership transactions, or to inspect the partnership books; but it merely entitles the assignee to receive in accordance with his contract the profits to which the assignee partner would otherwise be entitled.

(2) In case of a dissolution of the partnership, the assignee is entitled to receive his assignor's interest and may require an account from the date only of the last account agreed to by all the partners.

Section 28. PARTNER'S INTEREST SUBJECT TO CHARGING ORDER.—(1) On due application to a competent court by any judgment creditor of a partner, the court which entered the judgment, order, or decree, or any other court, may charge the interest of the debtor partner with payment of the unsatisfied amount of such judgment debt with interest thereon;

and may then or later appoint a receiver of his share of the profits, and of any other money due or to fall due to him in respect of the partnership, and make all other orders, directions, accounts and inquiries which the debtor partner might have made, or which the circumstances of the case may require.

(2) The interest charged may be redeemed at any time before foreclosure, or in case of a sale being directed by the court may be purchased without thereby causing a dissolution:

(a) With separate property, by any one or more of the partners, or

(b) With partnership property, by any one or more of the partners with the consent of all the partners whose interests are not so charged or sold.

(3) Nothing in this Act shall be held to deprive a partner of his right, if any, under the exemption laws, as regards his interest in the partnership.

PART VI

DISSOLUTION AND WINDING UP

Section 29. DISSOLUTION DEFINED.—The dissolution of a partnership is the change in the relation of the partners caused by any partner ceasing to be associated in the carrying on as distinguished from the winding up of the business.

Section 30. PARTNERSHIP NOT TERMINATED BY DISSOLUTION.—On dissolution the partnership is not terminated, but continues until the winding up of partnership affairs is completed.

Section 31. CAUSES OF DISSOLUTION.—Dissolution is caused:

(1) Without violation of the agreement between the partners:

(a) By the termination of the definite term or particular undertaking specified in the agreement,

(b) By the express will of any partner when no definite term or particular undertaking is specified,

(c) By the express will of all the partners who have not assigned their interests or suffered them to be charged for their separate debts, either before or after the termination of any specified term or particular undertaking,

(d) By the expulsion of any partner from the business bona fide in accordance with such a power conferred by the agreement between the partners;

(2) In contravention of the agreement between the partners, where the circumstances do not permit a dissolution under any other provision of this section, by the express will of any partner at any time;

(3) By any event which makes it unlawful for the business of the partnership to be carried on or for the members to carry it on in partnership;

(4) By the death of any partner;

(5) By the bankruptcy of any partner or the partnership;

(6) By decree of court under Section 32.

Section 32. DISSOLUTION BY DECREE OF COURT. —(1) On application by or for a partner the court shall decree a dissolution whenever:

(a) A partner has been declared a lunatic in any judicial proceeding or is shown to be of unsound mind,

(b) A partner becomes in any other way incapable of performing his part of the partnership contract,

(c) A partner has been guilty of such conduct as tends to affect prejudicially the carrying on of the business,

(d) A partner wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable to carry on the business in partnership with him.

(e) The business of the partnership can only be carried on at a loss,

(f) Other circumstances render a dissolution equitable.

(2) On the application of the purchaser of a partner's interest under Sections 27 or 28:

(a) After the termination of the specified term or particular undertaking,

(b) At any time if the partnership was a partnership at will when the interest was assigned or when the charging order was issued.

Section 33. GENERAL EFFECT OF DISSOLUTION ON AUTHORITY OF PARTNER.—Except so far as may be necessary to wind up partnership affairs or to complete transactions begun but not then finished, dissolution terminates all authority of any partner to act for the partnership,

(1) With respect to the partners,

(a) When the dissolution is not by the act, bankruptcy or death of a partner; or

(b) When the dissolution is by such act, bankruptcy or death of a partner, in cases where Section 34 so requires.

(2) With respect to persons not partners, as declared in Section 35.

Section 34. RIGHT OF PARTNER TO CONTRIBUTION FROM CO-PARTNERS AFTER DISSOLUTION.—Where the dissolution is caused by the act, death or bankruptcy of a partner, each partner is liable to his co-partners for his share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless:

(a) The dissolution being by act of any partner, the partner, acting for the partnership had knowledge of the dissolution, or

(b) The dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy.

Section 35. POWER OF PARTNER TO BIND PARTNERSHIP TO THIRD PERSONS AFTER DISSOLUTION.—(1) After dissolution a partner can bind the partnership except as provided in Paragraph (3)

(a) By any act appropriate for winding up partnership affairs or completing transactions unfinished at dissolution;

(b) By any transaction which would bind the partnership if dissolution had not taken place, provided the other party to the transaction:

(I) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of the dissolution; or

(II) Though he had not so extended credit, had nevertheless known of the partnership prior to dissolution, and, having no knowledge or notice of dissolution, the fact of dissolution had not been advertised in a newspaper of general circulation in the place (or in each place if more than one) at which the partnership business was regularly carried on.

(2) The liability of a partner under paragraph (1b) shall be satisfied out of partnership assets alone when such partner had been prior to dissolution:

(a) Unknown as a partner to the person with whom the contract is made; and

(b) So far unknown and inactive in partnership affairs that the business reputation of the partnership could not be said to have been in any degree due to his connection with it.

(3) The partnership is in no case bound by any act of a partner after dissolution:

(a) Where the partnership is dissolved because it is unlawful to carry on the business, unless the act is appropriate for winding up partnership affairs; or

(b) Where the partner has become bankrupt; or

(c) Where the partner has no authority to wind up partnership affairs; except by a transaction with one who:

(I) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of his want of authority; or

(II) Had not extended credit to the partnership prior to dissolution, and, having no knowledge or notice of his want of

authority, the fact of his want of authority has not been advertised in the manner provided for advertising the fact of dissolution in paragraph (1bII).

(4) Nothing in this section shall affect the liability under Section 16 of any person who after dissolution represents himself or consents to another representing him as a partner in a partnership engaged in carrying on business.

Section 36. EFFECT OF DISSOLUTION ON PARTNER'S EXISTING LIABILITY.—(1) The dissolution of the partnership does not of itself discharge the existing liability of any partner.

(2) A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between himself, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

(3) Where a person agrees to assume the existing obligations of a dissolved partnership, the partners whose obligations have been assumed shall be discharged from any liability to any creditor of the partnership who, knowing of the agreement, consents to a material alteration in the nature or time of payment of such obligations.

(4) The individual property of a deceased partner shall be liable for all obligations of the partnership incurred while he was a partner but subject to the prior payment of his separate debts.

Section 37. RIGHT TO WINDUP.—Unless otherwise agreed the partners who have not wrongfully dissolved the partnership or the legal representative of the last surviving partner, not bankrupt, has the right to wind up the partnership affairs; provided, however, that any partner, his legal representative or his assignee, upon cause shown, may obtain winding up by the court.

Section 38. RIGHTS OF PARTNERS TO APPLICATION OF PARTNERSHIP PROPERTY.—(1) When dissolution is

caused in any way, except in contravention of the partnership agreement, each partner as against his co-partners and all persons claiming through them in respect of their interest in the partnership, unless otherwise agreed, may have the partnership property applied to discharge its liabilities, and the surplus applied to pay in cash the net amount owing to the respective partners. But if dissolution is caused by expulsion of a partner, bona fide under the partnership agreement and if the expelled partner is discharged from all partnership liabilities, either by payment or agreement under Section 36 (2), he shall receive in cash only the net amount due him from the partnership.

(2) When dissolution is caused in contravention of the partnership agreement the rights of the partners shall be as follows:

(a) Each partner who has not caused dissolution wrongfully shall have:

(I) All the rights specified in paragraph (1) of this section, and

(II) The right, as against each partner who has caused the dissolution wrongfully, to damages for breach of the agreement.

(b) The partners who have not caused the dissolution wrongfully, if they all desire to continue the business in the same name, either by themselves or jointly with others, may do so, during the agreed term for the partnership and for that purpose may possess the partnership property, provided they secure the payment by bond approved by the court, or pay to any partner who has caused the dissolution wrongfully, the value of his interest in the partnership at the dissolution, less any damages recoverable under clause (2aII) of the section, and in like manner indemnify him against all present or future partnership liabilities.

(c) A partner who has caused the dissolution wrongfully shall have:

(I) If the business is not continued under the provisions of paragraph (2b) all the rights of a partner under paragraph (1), subject to clause (2aII), of this section,

(II) If the business is continued under paragraph (2b) of this section the right as against his co-partners and all claiming through them in respect of their interests in the partnership, to have the value of his interest in the partnership, less any damages caused to his co-partners by the dissolution, ascertained and paid him in cash, or the payment secured by bond approved by the court, and to be released from all existing liabilities of the partnership; but in ascertaining the value of the partner's interest the value of the good-will of the business shall not be considered.

Section 39. RIGHTS WHERE PARTNERSHIP IS DISSOLVED FOR FRAUD OR MISREPRESENTATION.—Where a partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled:

(a) To a lien on, or right of retention of, the surplus of the partnership property after satisfying the partnership liabilities to third persons for any sum of money paid by him for the purchase of an interest in the partnership and for any capital or advances contributed by him; and

(b) To stand, after all liabilities to third persons have been satisfied, in the place of the creditors of the partnership for any payments made by him in respect of the partnership liabilities; and

(c) To be indemnified by the person guilty of the fraud or making the representation against all debts and liabilities of the partnership.

Section 40. RULES FOR DISTRIBUTION.—In settling accounts between the partners after dissolution, the following rules shall be observed, subject to any agreement to the contrary:

(a) The assets of the partnership are:

(I) The partnership property,

(II) The contributions of the partners necessary for the payment of all the liabilities specified in clause (b) of this paragraph.

(b) The liabilities of the partnership shall rank in order of payment, as follows:

(I) Those owing to creditors other than partners,

(II) Those owing to partners other than for capital and profits,

(III) Those owing to partners in respect of capital,

(IV) Those owing to partners in respect of profits.

(c) The assets shall be applied in the order of their declaration in clause (a) of this paragraph to the satisfaction of the liabilities.

(d) The partners shall contribute, as provided by Section 18 (a) the amount necessary to satisfy the liabilities; but if any, but not all, of the partners are insolvent, or, not being subject to process, refuse to contribute, the other partners shall contribute their share of the liabilities, and, in the relative proportions in which they share the profits, the additional amount necessary to pay the liabilities.

(e) An assignee for the benefit of creditors or any person appointed by the court shall have the right to enforce the contributions specified in clause (d) of this paragraph.

(f) Any partner or his legal representative shall have the right to enforce the contributions specified in clause (d) of this paragraph, to the extent of the amount which he has paid in excess of his share of the liability.

(g) The individual property of a deceased partner shall be liable for the contributions specified in clause (d) of this paragraph.

(h) When partnership property and the individual properties of the partners are in possession of a court for distribution, partnership creditors shall have priority on partnership property and separate creditors on individual property, saving the rights of lien or secured creditors as heretofore.

(i) Where a partner has become bankrupt or his estate is insolvent the claims against his separate property shall rank in the following order:

(I) Those owing to separate creditors,

(II) Those owing to partnership creditors,

(III) Those owing to partners by way of contribution.

Section 41. INABILITY OF PERSONS, CONTINUING THE BUSINESS IN CERTAIN CASES. (1) When any new partner is admitted into an existing partnership, or when any partner retires and assigns (or the representative of the deceased partner assigns) his rights in partnership property to two or more of the partners, or to one or more of the partners and one or more third persons, if the business is continued without liquidation of the partnership affairs, creditors of the first or dissolved partnership are also creditors of the partnership so continuing the business.

(2) When all but one partner retire and assign (or the representative of a deceased partner assigns) their rights in partnership property to the remaining partner, who continues the business without liquidation of partnership affairs, either alone or with others, creditors of the dissolved partnership are also creditors of the person or partnership so continuing the business.

(3) When any partner retires or dies and the business of the dissolved partnership is continued as set forth in paragraph (1) and (2) of this section, with the consent of the retired partners or the representative of the deceased partner, but without any assignment of his right in partnership property, rights of creditors of the dissolved partnership, and of the creditors of the person or partnership continuing the business shall be as if such assignment had been made.

(4) When all the partners or their representatives assign their rights in partnership property to one or more third persons who promise to pay the debts and who continue the business of the dissolved partnership, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(5) When any partner wrongfully causes a dissolution and the remaining partners continue the business under the provisions of Section 38 (2b), either alone or with others, and without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(6) When a partner is expelled and the remaining partners continue the business either alone or with others, without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(7) The liability of a third person becoming a partner in the partnership continuing the business, under this section, to the creditors of the dissolved partnership shall be satisfied out of partnership property only.

(8) When the business of a partnership after dissolution is continued under any conditions set forth in this section the creditors of the dissolved partnership, as against the separate creditors of the retiring or deceased partner or the representative of the deceased partner, have a prior right to any claim of the retired partner or the representative of the deceased partner against the person or partnership continuing the business, on account of the retired or deceased partner's interest in the dissolved partnership or on account of any consideration promised for such interest or for his right in partnership property.

(9) Nothing in this section shall be held to modify any right of creditors to set aside any assignment on the ground of fraud.

(10) The use by the person or partnership continuing the business of the partnership name, or the name of a deceased partner as part thereof, shall not of itself make the individual property of the deceased partner liable for any debts contracted by such person or partnership.

Section 42. RIGHTS OF RETIRING OR ESTATE OF DECEASED PARTNER WHEN THE BUSINESS IS CONTINUED. When any partner retires or dies, and the business is continued under any of the conditions set forth in Section 41 (1, 2, 3, 5, 6), or Section 38 (2b), without any settlement of accounts as between him or his estate and the person or partnership continuing the business, unless otherwise agreed, he or his legal representative as against such persons or partnership may have the value of his interest at the date of dissolution ascertained, and shall receive as an ordinary creditor an amount equal to the value of his interest in the dissolved partnership

with interest, or, at his option or at the option of his legal representative, in lieu of interest, the profits attributable to the use of his right in the property of the dissolved partnership; provided that the creditors of the dissolved partnership as against the separate creditors, or the representative of the retired or deceased partner, shall have priority on any claim arising under this section, as provided by Section 41 (8) of this Act.

Section 43. ACCRUAL OF ACTIONS. The right to an account of his interest shall accrue to any partner, or his legal representative, as against the winding up partners or the surviving partners or the person or partnership continuing the business, at the date of dissolution in the absence of any agreement to the contrary.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	J. Murray Blue
John Rhea Banton	Owen Billington	J. C. Bradley
Clarence J. Barnum	Leo A. Bleemel	Edward T. Breathitt, Jr.

Edward O. Bridgers	Lon C. Hill	Goebel W. Newsom, Jr.
John Young Brown	Estill R. Hilton	Foster Ockerman
Charles W. Buchanan	Chester J. Holsclaw	Louis T. Peniston
Harry M. Caudill	William M. Horn	Edward D. Pollitte
William J. Conley	William L. Jones	Paul T. Ratcliffe
R. Josh Cosby	Jennings H. Kearby	Hobart Rayburn
Vernor O. Cottengim	Talmage Lacy	L. M. Tipton Reed
W. Marvin Davis	Shelby McCallum	Robert Reid
Albert Dempsey	Ralph E. McClanahan	Russell Reynolds
James A. Dressman, Jr.	Caleb McFadden	Joe Rouse
Harold Edmonds	William C. Mann	William A. Routh
Addison L. Everett	Carl D. Melton	W. R. Smith
Herbert Fern	Alton B. Mitchell	C. Waitman Taylor
Thomas P. Fitzpatrick	Tom Mobley	Eulick Walsh
W. L. Hadden	Robert K. Montgomery	Will Tom Wathen
George F. Harris	Walter R. Moorman	W. W. Webster
Harold G. Helm	Eddie J. Morris	William B. Wells
Henry R. Heyburn	Thomas J. Murphy	Warren D. Williams
		T. D. Winstead
		Walker H. Wiseman

—65

Those who voted in the negative were—

George R. Martin LeRoy Saylor —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 79. AN ACT concerning service of process on nonresident motorists.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 188.020 of the Kentucky Revised Statutes is amended to read as follows:

Any nonresident operator or owner of any motor vehicle who accepts the privilege extended by the laws of this state to nonresidents to operate motor vehicles or have them operated within state shall, by such acceptance and by the operation of such motor vehicle within this state, make the Secretary of State the agent of himself or his personal representative for the service of process in any civil action instituted in the courts of this state against the operator or owner, or the personal representative of the operator or owner, arising out of or by reason of any accident or collision or damage occurring within this state in which the motor vehicle is involved.

Section 2. The provisions of KRS 188.010 to 188.060 shall apply to any operator or owner of any motor vehicle who is a resident of this state at the time any accident or collision or damage occurs and who thereafter becomes a nonresident.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Addison L. Everett	Walter R. Moorman
John Rhea Banton	Herbert Fern	Eddie J. Morris
Clarence J. Barnum	Thomas P. Fitzpatrick	Thomas J. Murphy
Charles E. Baumgardner, Sr.	W. L. Hadden	Goebel W. Newsom, Jr.
Owen Billington	George F. Harris	Foster Ockerman
Leo A. Bleemel	Harold G. Helm	Louis T. Peniston
J. Murray Blue	Henry R. Heyburn	Edward D. Pollitte
J. C. Bradley	Lon C. Hill	Paul T. Ratcliffe
Edward T. Breathitt, Jr.	Estill R. Hilton	Hobart Rayburn
Edward O. Bridgers	Chester J. Holsclaw	L. M. Tipton Reed
John Young Brown	William M. Horn	Robert Reid
Charles W. Buchanan	William L. Jones	Russell Reynolds
Harry M. Caudill	Jennings H. Kearby	Joe Rouse
William J. Conley	Talmage Lacy	William A. Routh
R. Josh Cosby	Shelby McCallum	W. R. Smith
Vernor O. Cottengim	Ralph E. McClanahan	C. Waitman Taylor
W. Marvin Davis	Caleb McFadden	Eulick Walsh
Albert Dempsey	William C. Mann	Will Tom Wathen
James A. Dressman, Jr.	Carl D. Melton	W. W. Webster
Harold Edmonds	Alton B. Mitchell	William B. Wells
	Tom Mobley	Warren D. Williams
	Robert K. Montgomery	T. D. Winstead
		Walker H. Wiseman
		—65

Those who voted in the negative were—

George R. Martin LeRoy Saylor —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 142. AN ACT relating to the use of recording devices in circuit courts and authorizing their purchase.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 28.435 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any circuit judge may, if he deems it necessary to aid the court and the stenographic reporter, require that a device for the recording of the testimony be used in any proceeding in a circuit court; provided that such a device may not be used for recording the testimony in a proceeding unless the regular or a special stenographic reporter is present to take full stenographic notes of the proceeding, except that the court with the approval of the parties, acting through their respective attorneys, may require that a device be used solely for recording such testimony without the presence of a stenographic reporter.

(2) The fiscal court of any county may purchase a recording device for the use of the circuit court of that county if it deems the purchase of such a device to be to the best interest of the county, considering the county finances and other permissible expenditures.

(3) Recording device, as used in this section, means any device, materials and appurtenances, by which the voices of speakers are recorded so that they may be reproduced later in audible form.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Addison L. Everett	Walter R. Moorman
John Rhea Banton	Herbert Fern	Eddie J. Morris
Clarence J. Barnum	Thomas P. Fitzpatrick	Thomas J. Murphy
Charles E. Baumgardner, Sr.	W. L. Hadden	Goebel W. Newsom, Jr.
Owen Billington	George F. Harris	Foster Ockerman
Leo A. Bleemel	Harold G. Helm	Louis T. Peniston
J. Murray Blue	Henry R. Heyburn	Edward D. Pollitte
J. C. Bradley	Lon C. Hill	Paul T. Ratcliffe
Edward T. Breathitt, Jr.	Estill R. Hilton	Hobart Rayburn
Edward O. Bridgers	Chester J. Holsclaw	L. M. Tipton Reed
John Young Brown	William M. Horn	Robert Reid
Charles W. Buchanan	William L. Jones	Russell Reynolds
Harry M. Caudill	Jennings H. Kearby	Joe Rouse
William J. Conley	Talmage Lacy	William A. Routh
R. Josh Cosby	Shelby McCallum	W. R. Smith
Vernor O. Cottengim	Ralph E. McClanahan	C. Waitman Taylor
W. Marvin Davis	Caleb McFadden	Eulick Walsh
Albert Dempsey	William C. Mann	Will Tom Wathen
James A. Dressman, Jr.	Carl D. Melton	W. W. Webster
Harold Edmonds	Alton B. Mitchell	William B. Wells
	Tom Mobley	Warren D. Williams
	Robert K. Montgomery	T. D. Winstead
		Walker H. Wiseman
		—65

Those who voted in the negative were—

George R. Martin	LeRoy Saylor	—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 69. AN ACT relating to school property.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 162.010 of the Kentucky Revised Statutes is amended to read as follows:

The title to all property owned by a school district is vested in the Commonwealth for the benefit of the district board of education. In the acquisition of land for school purposes whether by purchase or condemnation or otherwise, the title obtained shall be in fee simple. Any reversionary interest in any land held by boards of education on June 14, 1934 shall not deprive such boards of the ownership of the buildings or other improvements thereon.

Section 2. Section 162.030 of the Kentucky Revised Statutes is amended to read as follows:

Each board of education may, when unable to make a contract satisfactory to the board with the owner for the purchase of real estate to be used for school purposes, initiate condemnation proceedings under any of the methods of condemnation authorized by KRS 416.010 to 416.080; KRS 416.120; and KRS 416.230 to 416.310; and the title to land so obtained shall be vested in fee simple.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
W. R. Smith
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
T. D. Winstead
Walker H. Wiseman

—65

Those who voted in the negative were—

George R. Martin LeRoy Saylor —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 160. AN ACT relating to condemnation for water supply by owner of real estate providing public sleeping accommodations and meals, etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 416.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The owner of real estate serving the public, providig sleeping accommodations and meals, when pure water is not available in adequate quantities, shall have the right to condemn on the banks of any navigable stream a tract of land not more than twenty feet square and above the high water mark for a pumping station site and a right-of-way for a pipe line from said site to the deep water of the navigable stream and from said pumping station site to the point on the owner's real estate where the water is desired for use. The said property owner may condemn a right-of-way for an electric power line over the most direct course to the pumping station site. In the event the owner of such real estate finds it more desirable to make connections with the water system of a municipality or a water supply line leading from a navigable stream to the municipality or other source of supply, then said real estate owner may, at his option, condemn a right-of-way for a pipe line from said city water ssytem or water supply line or other source of supply to the point on the owner's real estate where the water is desired

for use, including such area as may be required to install and maintain pumps and meters for said water system and an electric line to conduct power to said pump with necessary electric control lines or apparatus. The owner of property condemning right-of-way for a water line under this Act, may agree to supply the subject owner a quantity of water in lieu of cash compensation for the easement, and such agreement to supply water to the subject property owner shall not be construed to place a burden on the condemning party to supply water service to others or meet the obligation of a public utility to render water service.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Leo A. Bleemel	Charles W. Buchanan
John Rhea Banton	J. Murray Blue	Harry M. Caudill
Clarence J. Barnum	J. C. Bradley	William J. Conley
Charles E. Baumgardner, Sr.	Edward T. Breathitt, Jr.	R. Josh Cosby
Owen Billington	Edward O. Bridgers	Vernor O. Cottengim
	John Young Brown	W. Marvin Davis

Albert Dempsey	Talmage Lacy	Edward D. Pollitte
James A. Dressman, Jr.	Shelby McCallum	Paul T. Ratcliffe
Harold Edmonds	Ralph E. McClanahan	Hobart Rayburn
Addison L. Everett	Caleb McFadden	L. M. Tipton Reed
Herbert Fern	William C. Mann	Robert Reid
Thomas P. Fitzpatrick	Carl D. Melton	Russell Reynolds
W. L. Hadden	Alton B. Mitchell	Joe Rouse
George F. Harris	Tom Mobley	William A. Routh
Harold G. Helm	Robert K. Montgomery	W. R. Smith
Henry R. Heyburn	Walter R. Moorman	C. Waitman Taylor
Lon C. Hill	Eddie J. Morris	Eulick Walsh
Estill R. Hilton	Thomas J. Murphy	Will Tom Wathen
Chester J. Holsclaw	Goebel W. Newsom, Jr.	W. W. Webster
William M. Horn	Foster Ockerman	William B. Wells
William L. Jones	Louis T. Peniston	Warren D. Williams
Jennings H. Kearby		T. D. Winstead
		Walker H. Wiseman
		–65

Those who voted in the negative were—

George R. Martin	LeRoy Saylor	–2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

Senate Bill No. 122. AN ACT relating to private corporations; etc.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 271.025 of the Kentucky Revised Statutes is amended to read as follows:

Any natural person of the age of twenty-one years or more, or any corporation, may form a corporation for any lawful purpose, and may own and hold all or any number of the shares of stock of any corporation organized under the provisions of Chapter 271 of the Kentucky Revised Statutes.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward O. Bridgers	Herbert Fern
John Rhea Banton	John Young Brown	Thomas P. Fitzpatrick
Clarence J. Barnum	Harry M. Caudill	W. L. Hadden
Charles E. Baumgardner, Sr.	William J. Conley	George F. Harris
Owen Billington	R. Josh Cosby	Harold G. Helm
Leo A. Bleemel	Vernor O. Cottengim	Estill R. Hilton
J. Murray Blue	W. Marvin Davis	Chester J. Holsclaw
J. C. Bradley	Albert Dempsey	William M. Horn
Edward T. Breathitt, Jr.	James A. Dressman, Jr.	William L. Jones
	Harold Edmonds	Talmage Lacy
	Addison L. Everett	Shelby McCallum

Ralph E. McClanahan	Goebel W. Newsom, Jr.	William A. Routh
William C. Mann	Foster Ockerman	W. R. Smith
Alton B. Mitchell	Louis T. Peniston	C. Waitman Taylor
Tom Mobley	Edward D. Pollitte	Eulick Walsh
Robert K. Montgomery	Hobart Rayburn	Will Tom Wathen
Walter R. Moorman	L. M. Tipton Reed	W. W. Webster
Eddie J. Morris	Robert Reid	William B. Wells
Thomas J. Murphy	Russell Reynolds	Warren D. Williams
	Joe Rouse	T. D. Winstead
		Walker H. Wiseman

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Those who voted in the negative were—

Charles W. Buchanan	Jennings H. Kearby	Carl D. Melton
Cabell D. Francis	Caleb McFadden	Paul T. Ratcliffe
Lon C. Hill	George R. Martin	LeRoy Saylor

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Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Senate.

The Speaker, Mr. Burnley, having vacated the chair, Mr. Morgan assumed the chair as Speaker pro tem.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

House Resolution No. 50. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission regarding the laws of Kentucky with respect to control of diseased livestock and related matters.

Said Resolution is as follows, Viz:

WHEREAS, many livestock diseases constitute a serious threat both to the livestock industry and also to the health of the people of this Commonwealth; and

WHEREAS, it appears that certain of the laws now on the

statute books are adequate to institute a program of control of such diseases, but are impossible of enforcement or implementation due to lack of funds; and

WHEREAS, it appears that in some instances farmers of this Commonwealth have not only had to bear the economic losses arising from disease in their flocks or herds, but have also been unable to take advantage of certain favorable provisions of the Federal Internal Revenue Code due to lack of an active program of livestock condemnation in this Commonwealth;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

The Legislative Research Commission, in cooperation with the Commissioner of Agriculture, Labor and Statistics, the College of Agriculture of the University of Kentucky, the Commissioner of Health, and the member of any Special Committee of Citizens which the Governor may see fit to appoint for that purpose is authorized and directed to make a careful and impartial study of the laws of this Commonwealth pertaining to control of livestock diseases with respect particularly to the various problems suggested in the preamble to this Joint Resolution. The Legislative Research Commission shall report to the next regular Session of the General Assembly, its findings and recommendations with respect to such matters as it deems essential to its study, including particularly the following:

(1) Whether or not it is desirable and feasible to establish a program for condemnation of diseased livestock by the Commonwealth, with indemnity to be paid the owner, and, if so, recommendations for financing such a program; (2) whether the laws pertaining to quarantine of diseased livestock and protection of the public health from danger from such source need to be strengthened and, if so, how; (3) whether the laws of this Commonwealth are such as to enable Kentucky's citizens whose flocks and herds may chance to be ravaged by infectious disease, to take full advantage of such favorable provisions of the Federal Internal Revenue Code as may exist.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston

Edward D. Pollitte	Joe Rouse	Will Tom Wathen
Paul T. Ratcliffe	William A. Routh	W. W. Webster
Hobart Rayburn	LeRoy Saylor	William B. Wells
L. M. Tipton Reed	W. R. Smith	Warren D. Williams
Robert Reid	C. Waitman Taylor	T. D. Winstead
Russell Reynolds	Eulick Walsh	Walker H. Wiseman

—66

There voted in the negative—

George R. Martin —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 28. A JOINT RESOLUTION changing the name of Levisa Fork of the Big Sandy River to Big Sandy River.

Said Resolution is as follows, Viz:

WHEREAS, the fork of the Big Sandy River below the city of Louisa in Lawrence County is officially designaed as Levisa Fork; and

WHEREAS, said fork is commonly known and referred to as the Big Sandy River; and

WHEREAS, it is to the best interest of the Commonwealth that its rivers be easily and properly identified;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the body of water heretofore identified as the Levisa Fork of the Big Sandy River be, and it is, hereby officially

designated as, and shall henceforth be known as, the Big Sandy River.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Young Brown	Herbert Fern
John Rhea Banton	Charles W. Buchanan	Thomas P. Fitzpatrick
Clarence J. Barnum	Harry M. Caudill	W. L. Hadden
Charles E. Baumgardner, Sr.	William J. Conley	George F. Harris
Owen Billington	R. Josh Cosby	Harold G. Helm
Leo A. Bleemel	Vernor O. Cottengim	Henry R. Heyburn
J. Murray Blue	W. Marvin Davis	Lon C. Hill
J. C. Bradley	Albert Dempsey	Estill R. Hilton
Edward T. Breathitt, Jr.	James A. Dressman, Jr.	Chester J. Holsclaw
Edward O. Bridgers	Harold Edmonds	William M. Horn
	Addison L. Everett	William L. Jones
		Jennings H. Kearby

Talmage Lacy	Eddie J. Morris	Joe Rouse
Shelby McCallum	Thomas J. Murphy	William A. Routh
Ralph E. McClanahan	Goebel W. Newsom, Jr.	LeRoy Saylor
Caleb McFadden	Foster Ockerman	W. R. Smith
William C. Mann	Louis T. Peniston	C. Waitman Taylor
Carl D. Melton	Edward D. Pollitte	Eulick Walsh
Alton B. Mitchell	Paul T. Ratcliffe	Will Tom Wathen
Tom Mobley	Hobart Rayburn	W. W. Webster
Robert K. Montgomery	L. M. Tipton Reed	William B. Wells
Walter R. Moorman	Robert Reid	Warren D. Williams
	Russell Reynolds	T. D. Winstead
		Walker H. Wiseman

—66

There voted in the negative—

George R. Martin —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 42. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission regarding the laws of Kentucky with respect to control of diseased livestock poultry and related matters.

Said Resolution is as follows, Viz:

WHEREAS, many livestock and poultry diseases constitute a serious threat both to the industries involved and also to the health of the people of the Commonwealth; and

WHEREAS, it appears that certain of the laws now on the statute books are adequate to institute a program of control of such diseases, but are impossible of enforcement or implementation due to lack of funds; and

WHEREAS, it is possible that such a program might be financed through special taxes levied on the sale of all livestock at stockyards; and

WHEREAS, it appears that in some instances farmers of this Commonwealth have not only had to bear the economic losses arising from disease in their flocks or herds, but have also been unable to take advantage of certain favorable provisions of the Federal Internal Revenue Code due to the lack of an active program of livestock condemnation in this State;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission, in cooperation with the Commissioner of Agriculture, Labor and Statistics, the College of Agriculture of the University of Kentucky, the Commissioner of Health, and the members of any special citizens committee which the Governor may see fit to appoint for that purpose, is authorized and directed to make a careful and impartial study of the laws of this Commonwealth pertaining to control of livestock and poultry diseases, with particular respect to the various problems suggested in the Preamble of this Joint Resolution.

Section 2. That the Legislative Research Commission shall report to the next regular session of the General Assembly its findings and recommendations with respect to such matters as it deems essential to its study, including the following:

(1) Whether or not it is desirable and feasible to establish a program for condemnation of diseased livestock or poultry by the Commonwealth, with indemnity to be paid the owner, and, if so, recommendations for financing such a program; (2) whether the laws pertaining to quarantine of diseased livestock or poultry and protection of the public health from danger from such source need to be strengthened, and, if so, how; and (3) whether the laws of this Commonwealth are such as to enable Kentucky's citizens, whose flocks and herds may be ravaged by infectious disease, to take full advantage of such favorable provisions of the Federal Internal Revenue Code as may exist.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman

Eddie J. Morris	Hobart Rayburn	C. Waitman Taylor
Thomas J. Murphy	L. M. Tipton Reed	Eulick Walsh
Goebel W. Newsom, Jr.	Robert Reid	Will Tom Wathen
	Russell Reynolds	W. W. Webster
Foster Ockerman	Joe Rouse	William B. Wells
Louis T. Peniston	William A. Routh	Warren D. Williams
Edward D. Pollitte	LeRoy Saylor	T. D. Winstead
Paul T. Ratcliffe	W. R. Smith	Walker H. Wiseman

—66

There voted in the negative—

George R. Martin —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 52. A JOINT RESOLUTION providing for an investigation, study and survey by the Legislative Research Commission, in cooperation with the Judicial Council, of the Judicial Department of the Commonwealth of Kentucky and related matters.

Said Resolution is as follows, Viz:

WHEREAS, the present courts and judicial system of the Commonwealth of eKntucky were provided for by the present Constitution of Kentucky as embodied in Sections 109-144 inclusive, adopted in 1891; and

WHEREAS, no substantial change has been made in same since said time; and

WHEREAS, litigation in the state has increased in volume and complexity; and

WHEREAS, the Court of Appeals has more cases to dispose of than any other court of last resort in the United States; and

WHEREAS, many of such cases do not present any questions of novel or sufficient importance to justify appellate review; and

WHEREAS, there are many cases disposed of or pending in the Court of Appeals that could or should have been disposed of by review in a court of lesser importance; and

WHEREAS, the dockets of many circuit courts are congested resulting in unreasonable delay in the disposition of litigation and in undue cost to the litigants;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission, in cooperation, and by and with the advice and counsel of the Judicial Council, the Kentucky State Bar Association, and the members of any special citizens committee which the Governor may see fit to appoint for that purpose, is authorized and directed to make a careful and impartial study of the Judicial Department of the Commonwealth of Kentucky with particular respect to the various problems suggested in the preamble of this joint resolution and any related problem.

Section 2. That the Legislative Research Commission shall report to the next regular session of the General Assembly its findings and recommendations with respect to such matters as it deems essential to its study, including the following:

(1) Whether or not it is desirable and feasible to establish a court of intermediate appeals to review or try de novo cases tried in the court of original jurisdiction and to provide for appeals to an appellate court now designated as the Court of Appeals;

(2) Whether or not it is desirable and feasible to establish in each county one court of original jurisdiction with continuous term and sufficient judges, or commissioners for said purpose to hear and try all cases and matters of original jurisdiction; and

(3) Whether or not it is desirable and feasible to abolish

all court and judicial functions of the present county judge and to combine same with said court of original jurisdiction mentioned above.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	John Young Brown	Herbert Fern
John Rhea Banton	Charles W. Buchanan	Thomas P. Fitzpatrick
Clarence J. Barnum	Harry M. Caudill	W. L. Hadden
Charles E. Baumgardner, Sr.	William J. Conley	George F. Harris
Owen Billington	R. Josh Cosby	Harold G. Helm
Leo A. Bleemel	Vernor O. Cottengim	Henry R. Heyburn
J. Murray Blue	W. Marvin Davis	Lon C. Hill
J. C. Bradley	Albert Dempsey	Estill R. Hilton
Edward T. Breathitt, Jr.	James A. Dressman, Jr.	Chester J. Holsclaw
Edward O. Bridgers	Harold Edmonds	William M. Horn
	Addison L. Everett	William L. Jones
		Jennings H. Kearby

Talmage Lacy	Eddie J. Morris	Joe Rouse
Shelby McCallum	Thomas J. Murphy	William A. Routh
Ralph E. McClanahan	Goebel W. Newsom, Jr.	LeRoy Saylor
Caleb McFadden	Foster Ockerman	W. R. Smith
William C. Mann	Louis T. Peniston	C. Waitman Taylor
Carl D. Melton	Edward D. Pollitte	Eulick Walsh
Alton B. Mitchell	Paul T. Ratcliffe	Will Tom Wathen
Tom Mobley	Hobart Rayburn	W. W. Webster
Robert K. Montgomery	L. M. Tipton Reed	William B. Wells
Walter R. Moorman	Robert Reid	Warren D. Williams
	Russell Reynolds	T. D. Winstead
		Walker H. Wiseman

—66

There voted in the negative—

George R. Martin —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 55. A JOINT RESOLUTION authorizing the recognition of the seventy-fifth anniversary of the founding of Union College, Barbourville, Kentucky, and inviting the Honorable Richard Nixon, Vice-President of the United States, to visit the Commonwealth of Kentucky and to deliver an address on the campus of Union College.

Said Resolution is as follows, Viz:

WHEREAS, Union College, Barbourville, Kentucky, will observe its seventy-fifth anniversary and Diamond Jubillee on May 27, 1954; and

WHEREAS, Union College has invited the Honorable Rich-

ard Nixon, Vice-President of the United States, to be its guest speaker on said occasion; and

WHEREAS it would be a distinct honor to the Commonwealth of Kentucky and to all of its citizens to have said distinguished American as its guest on said occasion,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the members of the 1954 session of the General Assembly of the Commonwealth of Kentucky do hereby extend an invitation to the Honorable Richard Nixon, Vice-President of the United States, to visit the Commonwealth of Kentucky and to deliver an address on the campus of Union College, Barbourville, Kentucky, and that the full measure of Kentucky hospitality be extended to him and to all visitors to our Commonwealth on said occasion.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Addison L. Everett	Walter R. Moorman
John Rhea Banton	Herbert Fern	Eddie J. Morris
Clarence J. Barnum	Thomas P. Fitzpatrick	Thomas J. Murphy
Charles E. Baumgardner, Sr.	W. L. Hadden	Goebel W. Newsom, Jr.
Owen Billington	George F. Harris	Foster Ockerman
Leo A. Bleemel	Harold G. Helm	Louis T. Peniston
J. Murray Blue	Henry R. Heyburn	Edward D. Pollitte
J. C. Bradley	Lon C. Hill	Paul T. Ratcliffe
Edward T. Breathitt, Jr.	Estill R. Hilton	Hobart Rayburn
Edward O. Bridgers	Chester J. Holsclaw	L. M. Tipton Reed
John Young Brown	William M. Horn	Robert Reid
Charles W. Buchanan	William L. Jones	Russell Reynolds
Harry M. Caudill	Jennings H. Kearby	Joe Rouse
William J. Conley	Talmage Lacy	William A. Routh
R. Josh Cosby	Shelby McCallum	LeRoy Saylor
Vernor O. Cottengim	Ralph E. McClanahan	W. R. Smith
W. Marvin Davis	Caleb McFadden	C. Waitman Taylor
Albert Dempsey	William C. Mann	Eulick Walsh
James A. Dressman, Jr.	Carl D. Melton	Will Tom Wathen
Harold Edmonds	Alton B. Mitchell	W. W. Webster
	Tom Mobley	William B. Wells
	Robert K. Montgomery	Warren D. Williams
		T. D. Winstead
		Walker H. Wiseman

—66

There voted in the negative—

George R. Martin —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 56. A RESOLUTION extending the best wishes and moral support of the people of Kentucky to the basketball teams of the Western Kentucky State College and University of Louisville in their participation in the National Invitational Basketball Tournament at Madison Square Gardens in the City of New York.

Said Resolution is as follows, Viz:

WHEREAS, the basketball teams of the Western Kentucky State College and the University of Louisville have, by their outstanding records, earned invitations to compete in the National Invitational Basketball Tournament in Madison Square Gardens in New York, and

WHEREAS, all the citizens of the Commonwealth will be following their play with a great deal of interest, and

WHEREAS, the success that both these teams meet will reflect most creditably on the entire Commonwealth and will further insure the recognition of this Commonwealth as the basketball capitol of the United States.

NOW, THEREFORE;

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Senate of the Commonwealth of Kentucky go on record as extending their best wishes and moral support on behalf of the people of Kentucky to the basketball teams of the Western Kentucky State College and the University of Louisville in their play in the National Invitational Basketball Tournament.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
LeRoy Saylor
W. R. Smith
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
T. D. Winstead
Walker H. Wiseman

—66

There voted in the negative—

George R. Martin —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 64. A HOUSE RESOLUTION memorializing the Congress of the United States to enact legislation continuing the support price on tobacco within ninety percent of parity.

Said Resolution is as follows, Viz:

WHEREAS, the President of the United States has recommended to the Congress that the support price of tobacco be continued at ninety percent of parity; and

WHEREAS, the Congress of the United States will soon consider the subject of parity prices on tobacco; and

WHEREAS, a fair and equitable support program for tobacco is essential to the economic well being of the Commonwealth of Kentucky; and

WHEREAS, a program which establishes support price on tobacco within ninety percent of parity will inure to the benefit of the tobacco farmers in the Commonwealtth of Kentucky.

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States be and it is memorialized to enact legislation establishing a support price on tobacco within ninety percent of parity.

Section 2. That a copy of this resolution be forwarded by the Clerk of the Senate to each member of the Congressional delegation from Kentucky, and that each member of the Congressional delegation from Kentucky is hereby urged to support and to work for the enactment of the legislation urged by this resolution.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Edward T. Breathitt, Jr.	W. Marvin Davis
John Rhea Banton	Edward O. Bridgers	Albert Dempsey
Clarence J. Barnum	John Young Brown	James A. Dressman, Jr.
Charles E. Baumgardner, Sr.	Charles W. Buchanan	Harold Edmonds
Owen Billington	Harry M. Caudill	Addison L. Everett
Leo A. Bleemel	William J. Conley	Herbert Fern
J. Murray Blue	R. Josh Cosby	Thomas P. Fitzpatrick
J. C. Bradley	Vernor O. Cottengim	W. L. Hadden

George F. Harris	Carl D. Melton	L. M. Tipton Reed
Harold G. Helm	Alton B. Mitchell	Robert Reid
Henry R. Heyburn	Tom Mobley	Russell Reynolds
Lon C. Hill	Robert K. Montgomery	Joe Rouse
Estill R. Hilton	Walter R. Moorman	William A. Routh
Chester J. Holsclaw	Eddie J. Morris	LeRoy Saylor
William M. Horn	Thomas J. Murphy	W. R. Smith
William L. Jones	Goebel W. Newsom, Jr.	C. Waitman Taylor
Jennings H. Kearby	Foster Ockerman	Eulick Walsh
Talmage Lacy	Louis T. Peniston	Will Tom Wathen
Shelby McCallum	Edward D. Pollitte	W. W. Webster
Ralph E. McClanahan	Paul T. Ratcliffe	William B. Wells
Caleb McFadden	Hobart Rayburn	Warren D. Williams
William C. Mann		T. D. Winstead
		Walker H. Wiseman

—66

There voted in the negative—

George R. Martin —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 14. A JOINT RESOLUTION authorizing and directing payment of a claim of the Rowland Paper Company.

Said Resolution is as follows, Viz:

WHEREAS, in September, 1946, The Rowland Paper Company, of Louisville, Kentucky, furnished certain materials in the amount of $494.00 to the Kentucky Department of Highways; and

WHEREAS, through inadvertence, this account has never been paid.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the department of Highways is authorized and directed to pay to The Rowland Paper Company, of Louisville, Kentucky, out of any funds at the disposal of the Department, the sum of $494.00, for materials furnished.

Section 2. The Statute of Limitations as now provided by law shall not be a bar to the payment of the claim authorized herein.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Owen Billington	Edward O. Bridgers
John Rhea Banton	Leo A. Bleemel	John Young Brown
Clarence J. Barnum	J. Murray Blue	Charles W. Buchanan
Charles E. Baumgardner, Sr.	J. C. Bradley	Harry M. Caudill
	Edward T. Breathitt, Jr.	William J. Conley

R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
LeRoy Saylor
W. R. Smith
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
T. D. Winstead
Walker H. Wiseman
—66

There voted in the negative—

George R. Martin —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 21. RESOLUTION AUTHORIZING the payment to V.T.C. Lines, Inc., of three hundred and forty ($340.00) dollars, being the amount due said company for having transported members of the Kentucky National Guard during an emergency.

Said Resolution is as follows, Viz:

WHEREAS, because of said emergency it was necessary for members of the National Guard to make one trip to Lexington, Kentucky, and one trip to Harrodsburg, Kentucky, and

WHEREAS, Major D. E. Perkins of Harlan, Kentucky, was then the commanding officer of that unit of the National Guard, and

WHEREAS, said Major D. E. Perkins requested and demanded that V. T. C. Lines, a company engaged in the operation of bus lines in Harlan County, transport said members of the National Guard to Harrodsburg, Kentucky, and to Lexington, Kentucky, and

WHEREAS, said V. T. C. Lines did furnish a bus for each of said two trips, and

WHEREAS, a contract was entered into between V. T. C. Lines and said Major D. E. Perkins, commander of said unit of the National Guard to the effect that said company would be paid a reasonable amount for its services, and

WHEREAS, the reasonable value of said services was One Hundred and Seventy ($170.00) Dollars per trip, and

WHEREAS, said V. T. C. Lines has never been paid any amount for such services,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the contract between V. T. C. Lines, Inc., and Major D. E. Perkins is hereby ratified and confirmed, and that the sum of Three Hundred and Forty ($340.00) Dollars with interest thereon at Six (6%) percent per annum from January 15, 1946, is hereby appropriated to V. T. C. Lines, Inc., of Harlan, Kentucky, to pay said company for the reasonable value of its services in transporting members of the National Guard to and from Harlan, Kentucky; Lexington, Kentucky, and Harrodsburg, Kentucky, during time of emergency in January, 1946, and the Commissioner of Finance is directed to draw his warrant on the general fund in favor of V. T. C. Lines, Inc., for such amount, and the Treasurer of the Commonwealth of Kentucky is directed to honor such warrant and issue check thereon.

AFFIDAVIT

Affiant, Merle Middleton, states that he is president and general manager of V. T. C. Lines, Inc., a company operating motor buses for hire, with offices in Harlan, Kentucky; that in 1946 an emergency existed in Harlan County, Kentucky, by reason of a flood; that Major D. E. Perkins, who was the commander of the local unit of the National Guard, requested him to furnish transportation to members of that unit to Lexington, Kentucky, and to Harrodsburg, Kentucky; that the understanding between them was that the company would be reimbursed for the reasonable worth of such services; that two trips were made by bus, one to Lexington, Kentucky, and return, and one to Harrodsburg, Kentucky, and return; that the reasonable value of the services rendered was three hundred forty ($340.00) Dollars, and that no payment of any amount has ever been made to affiant or his company.

Merle Middleton
President and General Manager
V. T. C. Lines, Harlan, Ky.

STATE OF KENTUCKY }
} Sct.
COUNTY OF HARLAN }

Subscribed and sworn to before me this the 7th day of February, 1952.

A. Frank Russell
Notary Public,

My commission expires the 30th day of August, 1955.

AFFIDAVIT

Affiant, D. E. Perkins, of Harlan County, Kentucky, states that he was in January, 1946, a major in the Kentucky National Guard and was commanding officer of the unit of the National Guard stationed in Harlan, Kentucky, at said time.

Your affiant further states that because of a flood that occurred in Harlan County, Kentucky, in January of 1946, an emergency existed requiring the transportation of members of

the National Guard from Harlan, Kentucky, to Lexington, Kentucky, and from Harlan, Kentucky to Harrodsburg, Kentucky. Your affiant further states that because of said emergency, your affiant did call upon V. T. C. Lines, a company engaged in the operation of busses in Harlan County, Kentucky, to transport one bus load of members of the National Guard to Lexington, Kentucky, and one bus load to Harrodsburg, Kentucky.

Affiant further states that at said time and place he did requisition two busses of V. T. C. Lines for the purposes hereinabove set out; that said busses transported National Guard personnel as hereinabove set out; and that at the time of said transportation it was distinctly understood between your affiant and said V. T. C. Lines that the bus company would be reimbursed for the reasonable value of the services so rendered. Your affiant further states that the reasonable value of the services rendered was Three Hundred Forty ($340.00) Dollars and that, so far as this affiant knows, no payment has ever been made to said V. T. C. Lines for the services performed.

D. E. Perkins

STATE OF KENTUCKY }
} Sct.
COUNTY OF HARLAN }

Subscribed and sworn to before me by D. E. Perkins in my state and county aforesaid, this the 8th day of February, 1952.

A. Frank Russell
Notary Public,

My commission expires the 30th day of August, 1955.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to

the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Penistón
Edward D. Pollitte
Paul T. Ratcliffe
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
LeRoy Saylor
W. R. Smith
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
T. D. Winstead
Walker H. Wiseman

—66

There voted in the negative—
George R. Martin —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 37. A RESOLUTION authorizing and directing payment of claim of the Kentucky Stone Company.

Said Resolution is as follows, Viz:

WHEREAS, in December, 1950, the Kentucky Stone Company of Louisville, Kentucky, furnished certain materials in the amount of $343.70 to the Kentucky Department of Highways; and

WHEREAS, through inadvertence, this account has never been paid.

NOW, THEREFORE

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Highways is authorized and directed to pay to the Kentucky Stone Company, of Louisville, Kentucky, out of any funds at the disposal of the Department, the sum of $343.70, for materials furnished.

Section 2. The Statute of Limitations as now provided by law shall not be a bar to the payment of the claim authorized herein.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Hobart Rayburn

L. M. Tipton Reed	LeRoy Saylor	W. W. Webster
Robert Reid	W. R. Smith	William B. Wells
Russell Reynolds	C. Waitman Taylor	Warren D. Williams
Joe Rouse	Eulick Walsh	T. D. Winstead
William A. Routh	Will Tom Wathen	Walker H. Wiseman

—66

There voted in the negative—

George R. Martin —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Resolution No. 50. A JOINT RESOLUTION authorizing C. M. Conley and Margaret Conley to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said Resolution is as follows, Viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That C. M. Conley and Margaret Conley be and they are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum as will fairly and reasonably compensate them for the injuries and damages, if any, sustained by them as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof, either or both, their agents, officers and employes, in construction of the by-pass to U. S. Highway No. 45 at Fulton, Fulton County, Kentucky, and the approach of Fairview Avenue at Fulton, Fulton County, Kentucky.

Section 2. Said suit shall be for a sum not in excess of $15,000.00

Section 3. That the action herein authorized and permitted may be brought in the Fulton Circuit Court, same being the Circuit Court having jurisdiction in Fulton County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this Resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Fulton Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromived shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced in evidence, nor commented upon by counsel in argument to the jury.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third

reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Hobart Rayburn
L. M. Tipton Reed
Robert Reid
Russell Reynolds
Joe Rouse
William A. Routh
LeRoy Saylor
W. R. Smith
C. Waitman Taylor
Eulick Walsh
Will Tom Wathen
W. W. Webster
William B. Wells
Warren D. Williams
T. D. Winstead
Walker H. Wiseman
—66

There voted in the negative—

George R. Martin —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution

was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

The House took up for consideration from the Orders of the Day a Resolution of the following title, viz:

Senate Resolution No. 51. A JOINT RESOLUTION directing the Legislative Research Commission to study the desirability of merging all independent school districts with their respective county school districts.

Said Resolution is as follows, Viz:

WHEREAS, it has been suggested that merger of independent school districts with their respective county school districts would be a step forward in improvement of the public schools of the Commonwealth of Kentucky; and

WHEREAS, it is necessary that information be gathered on which the members of future sessions of the General Assembly can base their opinion on this subject; and

WHEREAS, the Legislative Research Commission has the staff to make a comprehensive study of such subject,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission be and it is hereby directed to make a study of the desirability of merging independent school districts with their respective county school districts, and that the findings of such study be reported to the 1956 session of the General Assembly of the Commonwealth of Kentucky.

Mr. Lowman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said Resolution be read at length the third time.

Mr. Lowman moved that the Constitutional provision as to the third reading at length of said Resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said Resolution having been dispensed with, said Resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said Resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson
John Rhea Banton
Clarence J. Barnum
Charles E. Baumgardner, Sr.
Owen Billington
Leo A. Bleemel
J. Murray Blue
J. C. Bradley
Edward T. Breathitt, Jr.
Edward O. Bridgers
John Young Brown
Charles W. Buchanan
Harry M. Caudill
William J. Conley
R. Josh Cosby
Vernor O. Cottengim
W. Marvin Davis
Albert Dempsey
James A. Dressman, Jr.
Harold Edmonds
Addison L. Everett
Herbert Fern
Thomas P. Fitzpatrick
W. L. Hadden
George F. Harris
Harold G. Helm
Henry R. Heyburn
Lon C. Hill
Estill R. Hilton
Chester J. Holsclaw
William M. Horn
William L. Jones
Jennings H. Kearby
Talmage Lacy
Shelby McCallum
Ralph E. McClanahan
Caleb McFadden
William C. Mann
Carl D. Melton
Alton B. Mitchell
Tom Mobley
Robert K. Montgomery
Walter R. Moorman
Eddie J. Morris
Thomas J. Murphy
Goebel W. Newsom, Jr.
Foster Ockerman
Louis T. Peniston
Edward D. Pollitte
Paul T. Ratcliffe
Hobart Rayburn

L. M. Tipton Reed	LeRoy Saylor	W. W. Webster
Robert Reid	W. R. Smith	William B. Wells
Russell Reynolds	C. Waitman Taylor	Warren D. Williams
Joe Rouse	Eulick Walsh	T. D. Winstead
William A. Routh	Will Tom Wathen	Walker H. Wiseman

—66

There voted in the negative—

George R. Martin —1

Resolved that the title therefo be as aforesaid.

Mr. Lowman moved that the vote by which said Resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills and resolutions originating in the House as follows, viz:

H. B. No. 309. AN ACT relating to the Uniform Reciprocal enforcement of support for dependents.

H. B. No. 430. AN ACT relating to parental permission for minors under eighteen years of age to play pool.

H. B. No. 346. AN ACT relating to regulation of the sale and distribution of commercial feeds.

H. Res. No. 33. A JOINT RESOLUTION creating a tax planning survey.

H. Res. No. 51. A JOINT RESOLUTION directing the Legislative Research Commission to study the desirability of exempting timberland from existing taxation and imposing a severance tax on each tree, etc.

H. Res. No. 80. A JOINT RESOLUTION authorizing Mrs. James Ernest Nantz to sue the Commonwealth and State T. B. Commission.

H. Res. No. 60. A JOINT RESOLUTION authorizing payment of claims of Sherman Combs against the Department of Highways and the Commonwealth of Kentucky.

H. Res. No. 84. A JOINT RESOLUTION authorizing Congress to stress importance of Tennessee Valley Authority.

H. Res. No. 55. A JOINT RESOLUTION memorializing Congress to appropriate enough funds to complete a National Pioneer Monument under the National Park Service, etc.

H. Res. No. 75. A JOINT RESOLUTION memorializing Congress to make immediate appropriation for construction of the Rough River Dam in Grayson and Breckinridge Counties.

H. Res. No. 52. A JOINT RESOLUTION directing the Legislative Research Commission to study the feasibility of a State financed program of financial assistance to deserving college students.

Ordered that said bills and resolutions be delivered to the enrolling clerk.

A message was received from the Senate that they had passed resolutions originating in the House as follows, viz:

H. Res. No. 18. A JOINT RESOLUTION providing for a research study of the adequacy of the legislative process in the Commonwealth of Kentucky.

With Senate amendment attached thereto.

With the request that the House concur in said amendment.

H. Res. No. 68. A JOINT RESOLUTION authorizing Dr. R. H. Miller, of Louisville, Jefferson County, Kentucky, to sue the Commonwealth of Kentucky and the State Fair Board.

With Senate amendments attached thereto.

With the request that the House concur in said amendments.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing guests.

The Speaker appointed Mr. Jack Raybourne and Mr. Hilton

a committee to escort Mr. Jesse Stuart and Mr. Edwin Carlile Litsey to the rostrum.

Mr. Burnley presented Colonels' commissions to Mr. Stuart and Mr. Litsey.

Mr. Burnley resumed the chair.

ENROLLMENT COMMITTEE REPORT

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz:

S. B. No. 3. AN ACT relating to annexation of territory by sanitation districts in counties of a city of first class.

S. B. No. 16. AN ACT relating to taxation and sewer service charges of sanitation districts.

S. B. No. 49. AN ACT relating to judgment on two or more convictions amending Section 288 of Criminal Code of Practice.

S. B. No. 118. AN ACT relating to trial commissioners and judge pro tem in police courts in cities of first class.

S. B. No. 125. AN ACT permitting the fiscal courts of counties and governing bodies of cities to contract with each other for performance of governmental services.

S. B. No. 131. AN ACT relating to apiaries.

S. B. No. 137. AN ACT relating to highways and financing thereof.

S. B. No. 158. AN ACT relating to the manufacture and sale of prison made goods.

S. B. No. 173. AN ACT relating to County quarterly and justices' courts, amending, etc.

S. B. No. 175. AN ACT relating to authorized investment of trust funds, etc.

S. B. No. 178. AN ACT relating to police courts.

S. B. No. 187. AN ACT relating to the preservation of bank records.

S. B. No. 219. AN ACT relating to teachers' tenure.

S. B. No. 231. AN ACT relating to eggs and the marketing thereof.

S. B. No. 116. AN ACT relating to State Fair Board.

S. B. No. 190. AN ACT relating to revenue and taxation.

S. B. No. 195. AN ACT relating to child desertion.

S. B. No. 203. AN ACT relating to public securities, etc.

S. B. No. 204. AN ACT relating to purchase by fiscal courts, equipment for sheriffs and deputies.

S. B. No. 230. AN ACT relating to prior service credit for Teachers' Retirement purposes for veterans of World War I.

S. Res. No. 10. A JOINT RESOLUTION naming Edwin Carlile Litsey Poet Laureate of Kentucky.

S. Res. No. 13. A JOINT RESOLUTION directing payment of claim of the Louisville Sand & Gravel Company.

S. Res. No. 17. RESOLUTION authorizing Margaret Ann Minix, administrator of estate of W. T. Stafford to sue the Commonwealth.

S. Res. No. 18. RESOLUTION authorizing personal representative of Glinnis Louise Ezell to sue the Highway Department and State Police Department and the Commonwealth of Kentucky.

S. Res. No. 22. RESOLUTION authorizing Nannie Kelley and her husband to sue the Commonwealth and State Fair Board.

S. Res. No. 23. A JOINT RESOLUTION authorizing Carl William Reidling, of Lyon County, to sue the Commonwealth.

S. Res. No. 29. RESOLUTION authorizing Thomas Milton Durham to sue the Commonwealth and the Department of Highways.

S. Res. No. 39. A JOINT RESOLUTION authorizing Howard See to sue the Department of Highways and the Commonwealth of Kentucky.

S. Res. No. 41. RESOLUTION providing for erection of a marker at the grave of Matthew Lyon.

S. Res. No. 46. RESOLUTION authorizing Dewey Rice to sue the Commonwealth.

S. Res. No. 48. JOINT RESOLUTION authorizing Sibbie Perkins of Rowan County to sue the Commonwealth.

S. Res. No. 49. JOINT RESOLUTION authorizing Emma McGouns and Orene Davis to sue the Commonwealth.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of the Senate return said bills to the Senate.

SENATE MESSAGE

A message was received from the Senate that they had passed bills and resolutions originating in the House as follows, viz:

H. B. No. 34. AN ACT relating to method of financing improvements to streets in cities of the second to sixth class.

H. B. No. 31. AN ACT relating to reinstatement of War Veterans in public position or employment held before entering service, and amending KRS, etc.

H. B. No. 324. AN ACT relating to barbers and beauty specialists.

H. B. No. 328. AN ACT relating to toll bridges.

S. Res. No. 42. A JOINT RESOLUTION authorizing Esker Davis of Kenton County to sue the Department of Highways and the Commonwealth.

H. B. No. 461. AN ACT relating to traffic regulations.

H. B. No. 325. AN ACT relating to interstate toll bridges.

Ordered that said bills and resolutions be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a bill of the following title, viz:

H. B. No. 139. AN ACT relating to rabies control, the licensing and regulation of dogs and the protection of dogs and livestock.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in Sections 1 to 11 of this Act, unless the context requires otherwise:

(1) "Dog" means any member of the canine family, six months of age or over;

(2) "Owner", when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog or has it in his care, or permits it to remain on or about premises owned or occupied by him;

(3) "Veterinarian" means a licensed practitioner of veterinary medicine, accredited by the Bureau of Animal Industry, United States Department of Agriculture;

(4) "Qualified person" means a person granted a permit by the State Board of Health to vaccinate animals against rabies; and may include owners or operators of licensed kennels;

(5) "Vaccination" means the injection by a veterinarian or other qualified person of vaccine approved by, and administered in accordance with the regulations of the State Board of Health.

Section 2. On or before the first of July 1954 and of each year thereafter, every owner shall have his dog vaccinated against rabies. The veterinarian or qualified person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the State Department of Health. The vaccination certificate shall be prepared and issued in triplicate, one copy to be retained by the issuing veterinarian or other qualified person, one copy to be given to the owner of the dog vaccinated, and one copy to be forwarded by the veterinarian or qualified person to the local health department, or, if none is maintained, to the State Department of Health. Each certificate shall bear the name and address of the veterinarian or qualified person who issued it and a serial number. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the certificate number and the year of vaccination. The tag may bear the name of the veterinarin or qualified person issuing it. It shall be affixed by the owner to a collar or harness furnished by him and shall be worn by the dog for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from the dog.

Section 3. The State Board of Health, in its sound discretion, may by such rules and regulations as it deems advisable:

(1) Exempt from the provisions of Section 2 of this Act the owners of dogs in any county or counties in which the incidence of rabies decreases sufficiently to warrant this action;

(2) Extend the period required for re-vaccination if a vaccine is developed which will give longer periods of immunity;

(3) Exempt from the provisions of Section 2 of this Act the owners of dogs which are brought into this state for a period not to exceed thirty days.

Section 4. Any owner who has had his dog vaccinated against rabies in another state by the proper authority therein

shall not be required to have such dog re-vaccinated when brought into this state provided the requirements of such state under which the vaccination was made were of a standard not lower than those required in this state and provided further that such dogs wears a tag affixed to his collar or harness bearing the date of such vaccination. One year after the date of such vaccination such dog must be re-vaccinated unless provided otherwise by the rules and regulations of the State Board of Health. The State Board of Health may make rules and regulations governing the matter of reciprocity with other states.

Section 5. The State Department of Health may contract with veterinarians to vaccinate dogs or animals at scheduled mass immunization clinics at fees not in excess of two dollars per animal vaccinated, to be paid by the owner to the State Department of Health; provided, however, that if the services of veterinarians are not available the State Department of Health may contract with other qualified persons. Fees so collected shall be paid into the State Treasury and credited to a trust and agency fund to be used in defraying the costs and expenses of administering this Act.

Section 6. Whenever a local board of health has reason to believe or has been notified by the State Department of Health that there is danger that rabies may spread within the county or any portion thereof, the board shall publish a notice requiring owners of dogs, or other specified animals in the area designated to confine the animals for such periods as may be necessary to prevent the spread of rabies. If it is deemed advisable in the interest of public health the local board of health shall order all dogs in the area re-vaccinated against rabies and if the local board fails or neglects to do so, the State Department of Health may order the re-vaccination of all dogs or other animals in the area except animals that have been previously vaccinated within the past six months under the provisions of this Act. The State Department of Health may aid the local health department in the execution of such emergency vaccinations.

Section 7. Every physician shall, within twelve hours after his first professional attendance of a person bitten by a dog, cat or other animal, report to the local health department the name,

age, sex, color, and precise location of the person so bitten. If a child is bitten and no physician attends, the report shall be made by his parents or guardian. If an adult is bitten and no physician attends, he or the person caring for him shall make the report.

Section 8. The State Board of Health may administer the provisions of this Act through the local health departments and may make such rules and regulations and employ such personnel as are necessary to effectuate the purposes of this Act.

Section 9. A health officer or his agent shall have the authority to quarantine for a period not to exceed ninety days any animal bitten by another animal known or suspected to have rabies, and to quarantine for a period not to exceed fourteen days any animal which has bitten a human being or which exhibits symptoms of rabies. An animal so quarantined may be confined by the health officer at a designated place at the owner's expense. Whenever a dog dies with rabies or is suspetced of having died with rabies or is destroyed because of having been suspected of being rabid, the owner thereof, whether the dog had been previously quarantined or not, shall at his own expense send the head of such dog to a laboratory approved by the State Board of Health in the manner prescribed by the rules and regulations of the State Board of Health.

Section 10. There is hereby appropriated to the State Department of Health, out of the General Expenditure Fund in the State Treasury, the sum of thirty thousand dollars to be credited to a trust and agency fund for the purpose of carrying out the provisions of this Act.

Section 11. (1) Any person who violates Sections 2, 4, 6, 7 or 9 of this Act shall be fined not less than ten dollars nor more than one hundred dollars. Each day of violation shall constitute a separate offense.

(2) The owner of any dog not vaccinated according to the provisions of this Act shall be liable to pay all damages for personal injuries resulting from the bite of such dog, if rabid.

Section 12. As used in Sections 12 to 41 of this Act, unless the context requires otherwise:

(1) "Department" means the Department of Agriculture, Labor and Statistics;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(3) "Committee" means the advisory committee created by Section 14 of this Act;

(4) "Dog" means any member of the canine family, six months of age or over;

(5) "Owner," when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog, or has it in his care, or permits it to remain on or about premises owned or occupied by him;

(6) "Livestock" includes horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and confined and domesticated hares and rabbits;

(7) "Poultry" includes all domesticated fowl and all game birds which are legally kept in captivity;

(8) "Kennel" means any establishment where dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom;

(9) "Livestock fund" means the fund created by Section 15 of this Act for the purpose of administering its provisions.

Section 13. (1) The commissioner shall enforce the provisions of this Act relating to the licensing and regulation of dogs and the protection of livestock from damage by dogs. The commissioner may enter into agreements with local agencies and organizations for assistance in the enforcement of this Act. The commissioner shall promulgate rules and regulations for the enforcement of the licensing provisions of this Act.

(2) The department may employ personnel to carry out the provisions of this Act. Such employes shall have all of the

powers of peace officers in the enforcement of Sections 12 to 41 of this Act and may, upon displaying a badge of identification furnished by the Department, enter upon any premises for the purpose of investigation.

Section 14. There shall be an advisory committee for the purpose of advising the commissioner in the enforcement of the provisions of Section 12 to 41 of this Act. The committee shall be composed of the commissioner, or his designate, and five members appointed by the Governor as follows: one from a list of three persons nominated by the Bluegrass State Sheep Association, one from a list of three persons nominated by the Kentucky Purebred Livestock Association, one from a list of three persons nominated by Kennel Clubs of Kentucky and one from a list of three persons nominated by the Kentucky Veterinary Medical Association. If an organization herein named should cease to exist, or, for any other reason fail to make nominations, the Governor shall name another non-governmental but interested organization to nominate three persons. The appointed members shall serve for terms of four years and until their successors are appointed and qualify. The committee shall elect a chairman and shall meet at such time and place as he may designate. Four members present at any meeting shall constitute a quorum. Upon the written request of any three members, the chairman shall call a meeting of the committee at the time and place requested. Members who are not employed by the state shall receive fifteen dollars per day, payable from the livestock fund, for attendance at meetings and shall be reimbursed for any actual expense incurred in performing their duties. The committee shall be nonpartisan, not more than three of the appointed members being affiliated with any one political party.

Section 15. There is hereby created a revolving fund to be known as the Livestock Fund from which shall be paid all expenses of the department in administering the provisions of Sections 12 to 41 of this Act. Expenditures from the fund shall not exceed two hundred thousand dollars in any fiscal year without the approval of the committee. On January 1, 1957, and on January 1 of each year thereafter, all money in the Livestock Fund in excess of two hundred thousand dollars shall revert to the General Expenditure Fund.

Section 16. On or before July 1, 1954, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the dog warden of the county in which he resides for a license for each such dog owned or kept by him. The application shall be accompanied by a license fee of two dollars for each dog. Any license issued for the year of 1954 before July 1, 1954, shall be effective until July 1, 1955. Dog wardens shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless the department determines, with the approval of the Governor, to issue all licenses either directly or through other agents. For services rendered in collecting and paying over the same, dog wardens shall be allowed to retain the sum of twenty-five cents for each license. The balance of the license fee collected shall be paid to the department on or before the 15th day of each next succeeding month and shall be credited to the Livestock Fund. If the committee finds it to be in the interest of maximum enforcement of this Act to permit certain other portions of the license fee to be retained by the respective counties for use in such enforcement, the department may allow such portions of the license fee to be so retained by the counties.

Section 17. (1) A dog license bearing a serial number and such other information as will properly identify the dog shall be issued on a form prescribed and supplied by the department and shall be void on July 1 of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the department bearing a serial number corresponding with the serial number of the license.. If a license or tag is lost a duplicate shall be issued at a charge determined by the department. The department may, if the committee deems such a plan practical, arrange for the tattooing of dogs under a system whereby tattoo marks shall serve as proof of licensing in the event a tag is lost or is removed for good reason by a dog owner or keeper, but such tattooing shall be done only upon the request of the owner or keeper.

(2) The tag shall be affixed to a substantial collar furnished by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.

(3) No license or tag issued for one dog shall be transferable to another dog except as provided in Section 19 of this Act.

(4) Except when a tattoo is used, any dog not bearing a tag shall prima facie be deemed to be unlicensed, and in any proceedings under this Act the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

Section 18. Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and the owner of any dog which becomes six months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

Section 19. (1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by Section 15 of this Act, apply to the dog warden for a kennel license entitling him to keep or operate a kennel. Such application shall be accompanied by a license fee of ten dollars for each license to keep ten dogs or less and fifteen dollars for each license to keep more than ten dogs. Such kennel license fees shall be collected, paid to the department, and credited to the Livestock Fund in the same manner as the regular dog license fees.

(2) A kennel license shall be issued on a form prescribed and supplied by the department.

(3) Upon the issuance of a kenel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the department equal to the number of dogs authorized to be kept in the kennel.

(4) The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

Section 20. (1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside the limits of the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.

(2) Any dog outside of the kennel in violation of subsection (1) of this section shall be considered as if never licensed.

Section 21. Each dog warden shall keep a record of all dog and kennel licenses issued and shall report to the department monthly his license sales on a form prescribed and supplied by the department. The record maintained shall be a public record.

Section 22. (1) On or before July 1, 1955, the fiscal court of each county shall establish and maintain a dog pound and shall employ a dog warden as a means of facilitating the administration of this Act. In counties of small population, arrangements may be made for the joint establishment and operation of dog pounds by two or more counties on a mutually satisfactory basis. Instead of setting up pounds, one or more counties acting jointly may take advantage of the facilities of suitable pounds already in operation by counties, cities, humane societies, or other organizations or individuals. Fiscal courts may adopt and enforce regulations relative to pound standards, the naming of persons who shall serve as dog wardens, providing for the fixing of salaries of wardens and assistants, and such other matters that may be incidental to efficient and proper operation of the dog pound plan.

(2) As a means of providing a portion of the funds for setting up and operating dog pounds, seventy-five cents out of the two dollars paid for every dog license sold in each county shall be credited by the department to a special enforcement fund to be refunded to the respective counties on a pro-rata basis determined by the licenses sold in each county, and shall be used in meeting expenses of the dog warden and the dog pound plan.

(3) Dog wardens may be designated as agents of the deparement for purposes of appraising livestock losses pursuant to Section 30 of this Act.

Section 23. (1) Any person may bring, or cause to be brought into the state, for a period of not more than ninety days, one or more dogs for show, trial, or breeding purposes without securing a license, and any person holding a Kentucky non-

resident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the state one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Kentucky by the states of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.

(2) In any proceedings under this Act the burden of proof of the fact that a dog has been imported for hunting, breeding, trial or show purposes shall be upon the owner of the dog.

Section 24. (1) Any peace officer may seize and detain any dog which bears a proper license tag and which is found running at large, either upon the public streets or highways of the Commonwealth, or upon the property of a person other than the owner of such dog, and unaccompanied by the owner or keeper. Any peace officer may go upon any premises to seize and detain any dog which has been found running at large unaccompanied by the owner or keeper, when such officer is in any immediate pursuit of any such dog. The officer shall cause any dog bearing a proper license tag and so seized and detained to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person in whose name the license was procured, or his agent, to claim such dog within seven days. The owner of a dog so detained shall pay all reasonable expenses incurred by reason of its detention, under the provisions of this section, before the dog is returned. If, after seven days from the giving of such notice, the dog has not been claimed, the officer shall dispose of such dog by sale or by destruction in some humane manner. All moneys derived from the sale of such dog, after deducting the expense of its detention and sale, shall be paid to the department and credited to the Livestock Fund.

(2) Peace officers shall seize and impound any dog which does not bear a proper license tag or other legible identification which is found running at large, but if an officer, after diligent effort to do so, should fail to seize such a dog, it shall then be-

come his duty to destroy the dog by any reasonable and humane means. Any such dog which an officer seizes shall be impounded for three days, and if not claimed by the owner or sold in accordance with other provisions of this Act, then such dog may be destroyed in some humane manner.

Section 25. (1) It shall be unlawful for any peace officer to refuse to perform his duties under the provisions of this Act, or to refuse to assist in the enforcement of this Act upon request of the commissioner.

(2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this Act.

Section 26. (1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this Act. There shall be no liability on such person in damages or otherwise for such killing.

(2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog while it is in the field or inclosure, without liability or responsibility of any nature for such killing.

(3) Subsection (2) hereof shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of worrying, wounding, or killing any livestock, or wounding or killing poultry, or attacking human beings.

(4) Any person who has been attacked by a dog, or any one for such person, may make a complaint before a justice of the peace, or judge of any police or quarterly court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged in the same manner and subject to the laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein. If such person fails to appear at the time fixed, or if upon a hearing of

the parties and their witnesses, the court finds the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, such official shall order the said owner or keeper to henceforth keep such dog securely confined.

(5) For his services in such proceedings, the judge or justice of the peace and the peace officer shall be entitled to the same fees to which they are entitled for performing similar services in civil cases. In all proceedings under this section, such court shall place the costs upon either party as he may determine.

(6) It shall be unlawful for the owner or keeper of any vicious dog after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash. Any such dog found running at large may be killed by any peace officer without liability for damages for such killings.

Section 27. (1) All licensed dogs are hereby declared to be personal property and subjects of larceny. Except as provided in Section 26 of this Act, it shall be unlawful for any person, except a peace officer, to destroy, injure, or poison, or attempt to destroy, injure, or poison, any dog which bears a license tag for the current year.

(2) It shall be unlawful for any person to place any dog button or any poison of any description in any place, on his own premises or elsewhere where it may be easily found and eaten by dogs.

Section 28. It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash.

Section 29. (1) The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog:

(a) Confined within an enclosure from which it cannot escape, or

(b) Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or

(c) Under the reasonable control of some person or, when engaged in lawful hunting accompanied by an owner or handler. A hound or other hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if such a hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, such owner or handler shall not be deemed to be in violation of the provisions of this section as a result of such dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler.

(2) Any peace officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of the owner or handler. However, a peace officer shall be under a duty to make a fair and reasonable effort to determine whether any dog found at large between sunset and sunrise is a hound or other hunting dog which has become lost temporarily from a pack or wandered from immediate control of its owner, or handler, and if he is reasonably sure that the dog is a hunting dog, then he shall not destroy the dog, unless it is found in the act of pursuing, worrying, or wounding livestock or wounding, killing poultry or attacking human beings.

Section 30. (1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate its destruction, shall be liable to the owner of such livestock or poultry, in a civil action for all damages and costs, or to the Commonwealth.

(2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may,

immediately after the damage is done, complain to a duly authorized agent of the department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how much damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and apraiser may appoint a disinterested citizen to assist in determining the amount of damages sustained. For such services, the said disinterested citizen shall receive two dollars and mileage at seven cents per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.

Section 31. (1) Upon receipt by the department of the appraisal report, the commissioner, if he approves the report, shall certify the amount thereof, together with the costs of the proceeding, to the Commissioner of Finance who shall draw a warrant in the amount thereof on the State Treasurer payable out of the Livestock Fund. If the commissioner does not approve the appraisal report, he shall ascertain the amount of damage sustained.

(2) The Commonwealth shall succeed to all rights and interests of the owner of livestock or poultry which have been killed or injured by dogs to the extent of any payment made out of the Livestock Fund.

Section 32. (1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claimant.

(2) When any payment is made by the Commonwealth for

any livestock or poultry killed or injured by a dog, such payment shall not exceed one hundred dollars for each horse or mule; one hundred and twenty-five dollars for each head of registered cattle; one hundred dollars for each head of unregistered cattle; twenty dollars for each head of unregistered cattle; twenty dollars for each head of unregistered swine, sheep, or goats; forty dollars for each head of registered swine, sheep, or goats; three dollars for each full-grown goose; five dollars for each full-grown turkey; and one dollar for each head of other poultry or domesticated hare or rabbit. All appraisals under this Act shall be of the actual value of the livestock, including poultry, killed or injured.

Section 33. Owners of licensed dogs which are killed by any peace officer, without justification under the provisions of this Act, shall be recompensed for the value of such dog out of the Livestock Fund in the same manner as owners of livestock or poultry killed or injured by dogs are recompensed. The proceeding for appraisal of the value of the dog and payment of the claim shall conform to the procedures prescribed by Section 30 and 31 of this Act, except that no claim shall exceed one hundred dollars.

Section 34. (1) Any valid claims, or parts thereof, for loss or damage to sheep, horses, mules, cattle, swine or poultry which have accrued under the provisions of KRS 258.010 to 258.490 and KRS 258.990, and any such claims which may accrue prior to July 1, 1954, shall not abate by reason of the repeal of such sections but to the extent that funds are available for the payment thereof, such claims shall be paid out of the available funds, of the proper counties, and for such purpose the provisions of said sections are hereby saved from repeal.

(2) Any such claims remaining unpaid out of the available fund of the proper county after December 31, 1955, shall be paid from the Livestock Fund to the extent of available funds as determined by the committee and in the order of their presentation; provided, however, that no such claims presented after December 31, 1956, shall be so paid.

Section 35. (1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry is definitely and conclusively shown

or if written complaint is filed with the commissioner by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the department, the commissioner may notify the owner or keeper of such dog to immediately destroy the same, whereupon it shall be unlawful and a violation of this Act for such owner, or keeper to permit or cause such dog, while alive, to leave or to be removed from such premises. The destroying of such dogs shall not remove the liability of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten days, any peace officer, upon notice from the department, shall destroy such dog wherever found. For such service he shall be entitled to a fee of one dollar for each dog destroyed, to be paid out of the Livestock Fund upon presentation to the department of satisfactory proof that such dog has been destroyed by him.

(2) Any person who owns or harbors an unlicensed dog shall forfeit any right to be reimbursed out of the Livestock Fund for any damage to his livestock or poultry by dogs.

Section 36. It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

Section 37. (1) When the inhabitants of any city, or county, or any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the commissioner, signed by twenty or more of such inhabitants who are owners of livestock or poultry, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of such city, or county, or such part thereof. Upon receipt of such petition, the department may, through its authorized agents, have an investigation made of the facts alleged therein, and, if convinced that conditions in such city, county, or such designated area demand such stringent measures, may establish a dog quarantine therein.

(2) When such a quarantine is established, at least ten notices thereof shall be posted throughout the area affected

thereby, and notice thereof shall also be published in at least one issue of a newspaper of general circulation throughout such city, or county.

(3) It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of the owner or handler.

(4) Any peace officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

Section 38. Notwithstanding any of the provisions of this Act, the Commonwealth of Kentucky shall not be liable for any loss, injury to, or destruction of livestock, poultry, or licensed dogs under any of the terms or provisions of this Act except as to such claims arising after June 30, 1955, and then only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of this section, the loss, injury to or damage of livestock, poultry, or licensed dog must happen or occur after June 30, 1955.

Section 39. Nothing in this Act shall be construed to prohibit or limit the right of any city to pass or enforce any ordinance with respect to the regulation of dogs, the provisions of which are not inconsistent with the provisions of this Act. Nothing in this Act shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the State Board of Health, or any health officer relating to mad dogs or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations, made in accordance with the provisions of any local or state health law.

Section 40. (1) Any person violating or failing or refusing to comply with Sections 12 to 41 of this Act shall, upon conviction, be fined not less than five dollars and not more than one hundred dollars or be imprisoned for not less than five nor more than sixty days or both so fined and imprisoned.

(2) All fines collected under subsection (1) of this section shall after costs and commissions have been deducted, be paid to the department to be credited to the Livestock Fund.

Section 41. Section 258.010 to 258.490 and subsections (1) to (4) of Section 258.990 are hereby repealed.

With Senate amendments attached thereto as follows, viz:

Amendment No. 1—On page 5, section 10, line 1 through 5 by striking Section 10 in its entirety.

Mr. Jones moved that the House do now concur in said amendment to H. B. No. 139.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—On page 13, section 24, lines 1 through 22. By striking subsection (1) of Section 24 in its entirety.

Mr. Jones moved that the House do now concur in said amendment to H. B. No. 139.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 3—On page 14, subsection 2 of section 24, line 29, by striking the word "three" and substituting in lieu thereof the word "seven".

Mr. Jones moved that the House do now concur in said amendment to H. B. No. 139.

Said motion agreed to by voice vote.

Said amendment concurred in.

Amendment No. 4—On page 14, section 2, line 31 by changing the word "doy" to "dog"

Mr. Jones moved that the House do now concur in said amendment to H. B. No. 139.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 5—On page 14, section 24, by adding a new subsection immediately after subsection (2) and before Section 25 to be known as subsection (3) and to read as follows:

"A hound or other hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if such a hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, such owner or handler shall not be deemed to be in violation of the provisions of this section as a result of such dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler."

Mr. Jones moved that the House do now concur in said amendment to H. B. No. 139.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 6—On page 18, section 30, by adding a new subsection to section 30 to read as follows: "(3) In addition to the claims for damages provided in Section 2, whenever any person sustains any loss or damage to his or her person or property as a result of being bitten by a dog, such person shall make complaint in writing to a duly authorized agent of the department stating when, where, and how much damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint said agent shall investigate and ascertain the extent of the claim, and if approved, make an appraisal of the damages. If any person sustaining a loss does not agree to amount of damages allowed by the appraiser, the person making claim and the appraiser, may appoint a disinterested person to assist in determining the amount of damages sustained. No payment made out of the Livestock Fund for claims under this section shall exceed $100.00, and no payment shall be made until claimant shall certify that no payment was made by owner of dog or dogs doing injury."

Mr. Jones moved that the House do now concur in said amendment to H. B. No. 139.

Said motion agreed to by voice vote.

Said amendment concurred in.

Amendment No. 7—On page 17, section 30 subsection (1), line 4, by adding after the word "destruction" the following: "or injured or damaged any person or property,"

Mr. Jones moved that the House do now concur in said amendment to H. B. No. 139.

Said motion agreed to by voice vote.

Said amendment concurred in.

Amendment No. 8—On page 17, section 30 (subsection 1) line 5, by adding after word "poultry" the following "or person"

Mr. Jones moved that the House do now concur in said amendment to H. B. No. 139.

Said motion agreed to by voice vote.

Said amendment concurred in.

Amendment No. 9—On page 20, section 35 (1), line 3 by adding after word "poultry" the following "or person"

Mr. Jones moved that the House do now concur in said amendment to H. B. No. 139.

Said motion agreed to by voice vote.

Said amendment concurred in.

Mr. Jones moved that the Constitutional provision as to the reading at length of said bill be dispensed wit hand same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	George F. Harris	Louis T. Peniston
John Rhea Banton	Henry R. Heyburn	Paul T. Ratcliffe
Charles E. Baumgardner, Sr.	Chester J. Holsclaw	Jack Raybourne, Jr.
Leo A. Bleemel	William L. Jones	L. M. Tipton Reed
J. C. Bradley	Jennings H. Kearby	Robert Reid
Edward T. Breathitt, Jr.	Shelby McCallum	Lloyd E. Rogers
Edward O. Bridgers	Ralph E. McClanahan	Joe Rouse
John Young Brown	Damon Majors	William A. Routh
Cassius M. Clay	Carl D. Melton	Mrs. Thelma L. Stovall
William J. Conley	Tom Mobley	Will Tom Wathen
R. Josh Cosby	Robert K. Montgomery	W. W. Webster
W. Marvin Davis	Walter R. Moorman	Mrs. Randolph Wilson
Herbert Fern	Fred Morgan	T. D. Winstead
Cabell D. Francis	Eddie J. Morris	Walker H. Wiseman
W. L. Hadden	Foster Ockerman	Paul E. Young

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Those who voted in the negative were—

Wallace Bartley	Addison L. Everett	Goebel W. Newsom, Jr.
Owen Billington	Harold G. Helm	Hobart Rayburn
J. Murray Blue	Lon C. Hill	Russell Reynolds
Charles W. Buchanan	Estill R. Hilton	LeRoy Saylor
Harry M. Caudill	Talmage Lacy	W. R. Smith
Vernor O. Cottengim	James W. Lambert	E. H. Stumbo
Albert Dempsey	Harry King Lowman	C. Waitman Taylor
James A. Dressman, Jr.	Caleb McFadden	Eulick Walsh
Harold Edmonds	William C. Mann	Morris Weintraub
	George R. Martin	William B. Wells
	Alton B. Mitchell	

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Resolved that the title thereof be as aforesaid.

Mr. Jones moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

Mr. Hobart Rayburn moved that the Clerk be instructed to mail each member of the House ten copies of the Legislative Record.

Said motion was agreed to by voice vote.

Mr. Lowman moved that the rules of the House be suspended for the purpose of introducing a resolution.

Said motion agreed to.

Mr. Fitzpatrick introduced the following resolution and moved its adoption:

H. Res. No. 101. HOUSE RESOLUTION requesting Legislative Research Commission to study advisability of establishing a home for the aged and disabled people of Kentucky in each Congressional district of Kentucky and report finding to 1956 session of the General Assembly.

Said resolution is as follows, viz:

WHEREAS, many of the aged and disabled persons in the Commonwealth are now being placed in asylums where they cannot properly be cared for; and

WHEREAS, the Commonwealth is morally obligated to provide the best and most humane care for the aged and disabled people of Kentucky;

NOW, THEREFORE

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is hereby requested to study the advisability and feasibility of establishing a home for the aged and disabled people of Kentucky in each Congressional District of the Commonwealth.

Section 2. The Legislative Research Commission is hereby directed to report its findings and recommendations relative to this question to the 1956 Session of the General Assembly of the Commonwealth of Kentucky.

Said motion was agreed to by voice vote.

Said resolution was adopted.

Ordered that said resolution be delivered by the Clerk to the Legislative Research Commission.

The House took up for consideration from the hands of the Clerk a resolution of the following title, viz:

H. Res. No. 18. A JOINT RESOLUTION providing for a research study of the adequacy of the legislative process in the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, there is need for a research study of the legislative process in the Commonwealth of Kentucky, and

WHEREAS, it appears that such a study will reveal imperfections in our present legislative process, and

WHEREAS, it appears that such a study will provide factual information leading to future changes in the legislative process which will make that process more democratic, and

WHEREAS, the Legislative Research Commission has the personnel and facilities to make such a research study, and to make a comprehensive report based thereon;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission be, and it is hereby authorized and directed to make a comprehensive research study of the legislative process in the Commonwealth of Kentucky;

That in the study of this subject, particular attention be given to the improvement of the legislative process to make it more democratic, either through a change in the length and frequency of sessions of the General Assembly or through improved legislative procedure, or both;

That the study contemplated by this resolution be com-

pleted by the Legislative Research Commission not later than six months prior to the next regular session of the General Assembly, and that a public report of the findings of the Legislative Research Commission based on this study be published.

With Senate amendment attached thereto as follows, viz:

Amendment No. 1—On page 2, lines 12, 13 and 14, by striking the words "six months prior to the next regular session of the General Assembly, and that a public report of the findings of the Legislative Research Commission based on this study be published." and inserting in lieu thereof the words "December 1, 1955, and a report of the findings be published and distributed to the members of the 1956 General Assembly."

Mr. Lowman moved that the House do now concur in said Senate amendment to H. Res. 18.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said resolution be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Charles E. Baumgardner, Sr.	Edward O. Bridgers
John Rhea Banton	Leo A. Bleemel	John Young Brown
Clarence J. Barnum	J. Murray Blue	Charles W. Buchanan
Wallace Bartley	J. C. Bradley	Harry M. Caudill

Cassius M. Clay	William M. Horn	Louis T. Peniston
William J. Conley	William L. Jones	Edward D. Pollitte
R. Josh Cosby	Jennings H. Kearby	L. M. Tipton Reed
Vernor O. Cottengim	James W. Lambert	Robert Reid
W. Marvin Davis	George H. Lovelace	Russell Reynolds
John L. Day	Harry King Lowman	Lloyd E. Rogers
Albert Dempsey	Shelby McCallum	William A. Routh
James A. Dressman, Jr.	Ralph E. McClanahan	Mrs. Thelma L. Stovall
Harold Edmonds	Damon Majors	C. Waitman Taylor
Addison L. Everett	Carl D. Melton	Eulick Walsh
Herbert Fern	Robert K. Montgomery	Will Tom Wathen
Thomas P. Fitzpatrick	Walter R. Moorman	Morris Weintraub
Cabell D. Francis	Eddie J. Morris	Warren D. Williams
W. L. Hadden	Goebel W. Newsom, Jr.	Mrs. Randolph Wilson
George F. Harris	Foster Ockerman	Walker H. Wiseman
Henry R. Heyburn		Paul E. Young
Chester J. Holsclaw		—60

Those who voted in the negative were—

Harold G. Helm	Caleb McFadden	—2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the enrolling clerk.

The House took up for consideration from the hands of the Clerk a resolution of the following title, viz:

H. Res. No. 68. A JOINT RESOLUTION authorizing Dr. R. H. Miller, of Louisville, Jefferson County, Kentucky, to sue the Commonwealth of Kentucky and the State Fair Board.

Said resolution is as follows, viz:

Whereas, on or about the 12th day of September, 1952 while Dr. R. H. Miller was present in the grandstand of the State Fair

grounds for the purpose of witnessing a public exhibition held and promoted by the Commonwealth of Kentucky and the State Fair Board, having paid the admission price demanded by the Commonwealth of Kentucky and the State Fair Board, and having become a spectator occupying a seat along with other spectators in the grandstand, when a fire occurred in the grandstand, creating conditions whereby as a proximate result of said fire, Dr. R. H. Miller, suffered injuries and was severely and permanently injured and damaged in the total sum of Twenty-five Thousand Dollars ($25,000.00),

Whereas, it appears that the Commonwealth of Kentucky and the State Fair Board, or either, acting by and through their agents, servants and employees, may be responsible for said damages.

Now Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Dr. R. H. Miller of Louisville, Jefferson County, Kentucky, is hereby authorized to sue the Commonwealth of Kentucky and the State Fair Board, or either, in the Jefferson Circuit Court, for damages to his person resulting from the said fire in the grandstand at the State Fair grounds and the conditions created thereby and caused by the negligence on the part of the Commonwealth of Kentucky and the State Fair Board, or either, acting through their agents, servants and employees, who were then acting within the scope of their authority.

2. That said action shall be for a sum not in excess of Twenty-five Thousand Dollars ($25,000.00).

3. The attorney employed by the State Fair Board pursuant to Kentucky Revised Statute 12.210, if the State Fair Board has such an attorney, or the Attorney General, whichever of said attorneys who may have the authority to appear and act as the attorney for the State Fair Board, may investigate the claim herein referred to and settle said claim before or after suit is filed, if in the opinion of said attorney, or the Attorney General, such settlement is for the best interest of the Commonwealth of Kentucky and the State Fair Board. Any sum recovered in

said suit, or by settlement with said attorney, or the Attorney General, shall be paid out of the general fund upon warrant drawn by the Commission of Finance upon the State Treasurer.

4. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this resolution shall be considered by either the Court or Jury as an admission of negligence upon the part of the Commonwealth of Kentucky or the State Fair Board, and this resolution shall not be introduced as evidence or commented upon by counsel in arguments to the Jury.

AFFIDAVIT

THIS affiant, R. H. Miller, first being duly sworn, proposes and says that on or about the 12th day of September, 1952, while a regular spectator in the grandstand of the State Fair ground in Louisville, Jefferson County, Kentucky, he was injured as a result of a fire in the grandstand; that he suffered damages through personal injuries in the amount of Twenty-five Thousand Dollars ($25,000.00); that he is seeking to sue the Commonwealth of Kentucky and the State Fair Board upon the ground that his injuries are the proximate result of the negligence of the servants, employees, and agents of the Commonwealth of Kentucky and of the State Fair Board; that he has petitioned and authorized Mr. Chester Holsclaw, a member of the House of Representatives, from the Thirty-sixth District to introduce a joint resolution authorizing this affiant to so sue the Commonwealth of Kentucky and the State Fair Board.

Dr. R. H. Miller, D.D.

Subscribed and sworn to before me by R. H. Miller this 24th day of February, 1954.

My commission expires June 2, 1957.

Elizabeth B. Owens
Notary Public
Jefferson County, Kentucky

With Senate amendments attached thereto as follows:

Amendment No. 1—On page 1, in the first WHEREAS by inserting a period after "injuries" and deleting "and was severely and permanently injured and damaged in the total sum of Twenty-five Thousand Dollars ($25,000.00),".

Mr. Lowman moved that the House do now concur in said Senate amendment to H. Res. No. 68.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 2—On page 2, section 2, line 11 by deleting "Twenty-five Thousand Dollars ($25,000.00)." and inserting in lieu thereof "Ten Thousand Dollars ($10,000.00)."

Mr. Lowman moved that the House do now concur in said Senate amendment to H. Res. No. 68.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Amendment No. 3—On page 3, by deleting everything after line 31.

Mr. Lowman moved that the House do now concur in said Senate amendment to H. Res. No. 68.

Said motion was agreed to by voice vote.

Said amendment concurred in.

Mr. Lowman moved that the Constitutional provision as to the reading at length of said resolution be dispensed with and same be engrossed and read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Rev. Felix S. Anderson	Harold Edmonds	Walter R. Moorman
John Rhea Banton	Addison L. Everett	Eddie J. Morris
Clarence J. Barnum	Herbert Fern	Goebel W. Newsom, Jr.
Wallace Bartley	Thomas P. Fitzpatrick	Foster Ockerman
Charles E. Baumgardner, Sr.	Cabell D. Francis	Louis T. Peniston
Leo A. Bleemel	W. L. Hadden	Edward D. Pollitte
J. Murray Blue	George F. Harris	L. M. Tipton Reed
J. C. Bradley	Henry R. Heyburn	Robert Reid
Edward O. Bridgers	Chester J. Holsclaw	Russell Reynolds
John Young Brown	William M. Horn	Lloyd E. Rogers
Charles W. Buchanan	William L. Jones	William A. Routh
Harry M. Caudill	Jennings H. Kearby	Mrs. Thelma L. Stovall
Cassius M. Clay	James W. Lambert	C. Waitman Taylor
William J. Conley	George H. Lovelace	Eulick Walsh
R. Josh Cosby	Harry King Lowman	Will Tom Wathen
Vernor O. Cottengim	Shelby McCallum	Morris Weintraub
W. Marvin Davis	Ralph E. McClanahan	Warren D. Williams
John L. Day	Damon Majors	Mrs. Randolph Wilson
Albert Dempsey	Carl D. Melton	Walker H. Wiseman
James A. Dressman, Jr.	Robert K. Montgomery	Paul E. Young

—60

Those who voted in the negative were—

Harold G. Helm Caleb McFadden —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the enrolling clerk.

Mr. Day moved that when the Building Committee renovates the House Chamber, that the last member occupying his

seat and desk be given priority in purchasing said desk and chair.

Said motion was agreed to by voice vote.

ENROLLMENT COMMITTEE REPORT

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz:

H. B. No. 31. AN ACT relating to reinstatement of War Veterans in public position or employment held before entering service, and amending section 61.370 of the Kentucky Revised Statutes.

H. B. No. 34. AN ACT relating to the method of financing improvements to streets in cities of the second to the sixth class.

H. B. No. 45. AN ACT relating to members of city council and city officers in cities of the fourth class, etc.

H. B. No. 85. AN ACT relating to statutory liens; providing additional security for the payment of claims for labor, etc.

H. B. No. 110. AN ACT relating to the office of jailer in cities of the second class.

H. B. No. 139. AN ACT relating to rabies control, the licensing and regulation of dogs and the protection of dogs and livestock.

H. B. No. 140. AN ACT amending KRS 64.150, relating to fees of jailers, etc.

H. B. No. 146. AN ACT relating to the compensation of coroners, etc.

H. B. No. 169. AN ACT relating to the appointment and compensation of police court clerks in cities of the second class, etc.

H. B. No. 178. AN ACT relating to loans and scholarships for the study of medicine, etc.

H. B. No. 196. AN ACT amending section 189.390 of the Kentucky Revised Statutes relating to speed, etc.

H. B. No. 206. AN ACT relating to state tuberculosis hospitals and the State Tuberculosis Hospital Commission.

H. B. No. 217. AN ACT relating to the furnishing of gas by gas pipe-line companies, etc.

H. B. No. 244. AN ACT relating to the levy and assessment of property taxes, etc.

H. B. No. 246. AN ACT relating to the providing of facilities for circuit courts and county officers by fiscal courts in counties in which circuit court is, or may be, held at two places, etc.

H. B. No. 267. AN ACT relating to compensation of public officers and employees.

H. B. No. 270. AN ACT relating to places of entertainment, includig in the definition thereof any place having therein or thereon any person engaging in the practice of being a medium, etc.

H. B. No. 277. AN ACT relating to the compensation of certain elective state officers.

H. B. No. 279. AN ACT relating to unemployment insurance and amending sections 341.295, etc.

H. B. No. 290. AN ACT providing for the regulation of the practice of optometry; etc.

H. B. No. 299. AN ACT relating to motor transportation and motor vehicles.

H. B. No. 309. AN ACT relating to the uniform reciprocal enforcement of support for dependents, etc.

H. B. No. 322. AN ACT amending KRS 161.220 (10), (11) KRS 161.540, KRS 161.620 (1), (2); and providing, etc.

H. B. No. 324. AN ACT relating to barbers and beauty specialists.

H. B. No. 325. AN ACT relating to interstate toll bridges, etc.

H. B. No. 327. AN ACT relating to fire prevention and protection.

H. B. No. 328. AN ACT relating to toll bridges, amending KRS 180.130.

H. B. No. 430. AN ACT relating to parental permission for minors under eighteen years of age to play pool, etc.

H. B. No. 342. AN ACT relating to trailer coach parks.

H. B. No. 346. AN ACT relating to the registration of motor vehicles.

H. B. No. 349. AN ACT relating to collection of taxes upon the property in any fire protection district, etc.

H. B. No. 366. AN ACT amending KRS 161.430; and providing for the investment of funds.

H. B. No. 461. AN ACT relating to traffic regulation and amending Section 189.450 of the Kentucky Revised Statutes.

H. B. No. 463. AN ACT relating to the compensation of certain public officers and employes.

H. Res. No. 18. A JOINT RESOLUTION providing for a research study of the adequacy of the legislative process in the Commonwealth of Kentucky.

H. Res. No. 33. A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make, or to have made, studies of the State General Fund tax structure, etc.

H. Res. No. 34. A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make a study, etc.

H. Res. No. 42. A JOINT RESOLUTION authorizing Esker Bert Davis, of Kenton County to sue the Department of Highways, etc.

H. Res. No. 51. A JOINT RESOLUTION directing the Legislative Research Commission to study the, etc.

H. Res. No. 60. A JOINT RESOLUTION authorizing payment of a claim by Sherman Combs, etc.

H. Res. No. 55. A JOINT RESOLUTION memorializing the Congress of the United States to appropriate sufficient funds, etc.

H. Res. No. 52. A JOINT RESOLUTION directing the Legislative Research Commission to study the feasability of a state financed program, etc.

H. Res. No. 59. A JOINT RESOLUTION naming Mrs. Ethel Gist Cantrill as State Librarian Emeritus of Kentucky.

H. Res. No. 68. A JOINT RESOLUTION authorizing Dr. R. H. Miller, of Louisville, Jefferson County, Kentucky, to sue, etc.

H. Res. No. 75. A JOINT RESOLUTION memorializing the Congress of the United States to make an appropriation, etc.

H. Res. No. 80. A JOINT RESOLUTION authorizing Mrs. James Ernest Nantz to sue, etc.

H. Res. No. 84. A JOINT RESOLUTION memorializing the U. S. Congress to stress the importance of the Tennesse Valley Authority, etc.

Thereupon, all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature.

Ordered that the enrolling clerk of this House deliver said bills and resolutions to the Enrollment Committee of the Senate for the signature of the President of the Senate.

After a time, the enrolling clerk aforesaid delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

SENATE MESSAGE

A message was received from the Senate that they had passed a resolution originating in that body as follows, viz:

S. Res. No. 66. A JOINT RESOLUTION expressing condolence to the Governor of the Commonwealth.

Said resolution is as follows, viz:

WHEREAS, the Senate and the House of Representatives have just been informed of the untimely and accidental death of the Honorable George S. Wetherby, brother of Governor Lawrence W. Wetherby and distinguished Judge and citizen of Jefferson County, and

WHEREAS, the Senate and the House of Representatives are shocked and grieved at the loss to the Governor and to the Commonwealth occasioned by such death;

Now, Therefore, Be It Resolved:

That the Senate and the House of Representatives do hereby extend to Governor Lawrence W. Wetherby and to the family of the Honorable George S. Wetherby its deepest sympathy and condolences.

Mr. Lowman moved that the House concur in said resolution.

Said motion was agreed to by voice vote.

Said resolution concurred in.

Mr. Lowman moved that when the House adjourns, it adjourn in memory of Honorable George Wetherby, brother of the Governor of the Commonwealth of Kentucky.

Said motion was agreed to by voice vote.

Mr. Lowman moved that the Speaker appoint a committee to meet with a like committee of the Senate to call upon the Governor and inform him that the House has completed the business before the House and is now ready to adjourn sine die, and to inquire whether the Governor has a further communication to make.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Walsh, Weintraub, Banton and Cosby as members constituting said committee.

Mr. Burnley, the Speaker, having vacated the chair, Mr. Bridgers assumed the chair as Speaker pro tem.

ENROLLMENT COMMITTEE REPORT

Mrs. Stovall, Chairman of the Committee on Enrollment, to which same had been referred, reported that they had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz:

S. B. No. 69. AN ACT relating to School property.

S. B. No. 79. AN ACT concerning service of process on non-resident motorists.

S. B. No. 104. AN ACT providing for regulation of the practice of ophthalmic dispensing.

S. B. No. 122. AN ACT relating to private corporations.

S. B. No. 142. AN ACT relating to the use of recording devices in circuit courts and authorizing their purchase.

S. B. No. 154. AN ACT relating to establishment and maintenance of county drainage districts.

S. B. No. 160. AN ACT relating to condemnation for water supply by owner of real estate providing public sleeping accommodations and meals.

S. B. No. 228. AN ACT relating to motor transportation and motor vehicles.

S. B. No. 245. AN ACT to amend section 243.090 of KRS to provide for suspension if alcoholic beverage licenses committed prior to June 30 of each year.

S. B. No. 136. AN ACT relating to partnerships.

S. Res. No. 14. JOINT RESOLUTION authorizing payment of claim to Rowland Paper Company.

S. Res. No. 21. A RESOLUTION authorizing payment of

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S. Res. No. 28. JOINT RESOLUTION changing the name Levisa Fork of the Big Sandy River to Big Sandy River.

S. Res. No. 37. RESOLUTION authorizing and directing payment of claim of Kentucky Stone Company.

S. Res. No. 42. JOINT RESOLUTION providing for an investigation by the Legislative Research Commission regarding laws with respect to control of livestock disease.

S. Res. No. 51. JOINT RESOLUTION directing the Legislative Research Commission to study the desirability of merging all independent school districts with their respective county school districts.

S. Res. No. 50. JOINT RESOLUTION authorizing C. M. Conley and Margaret Conley to sue the Commonwealth.

S. Res. No. 52. JOINT RESOLUTION providing for investigation by Legislative Research Commission and Judicial Council—to study Judicial Department of the Commonwealth.

S. Res. No. 56. RESOLUTION extending best wishes and moral support to the basketball teams of Western Kentucky State College and University of Louisville, etc.

Ordered that the enrolling clerk of the Senate return said bills to the Senate.

After a time the committee appointed by the Speaker to call upon the Governor reported that they had discharged the duty imposed upon them and that they had been informed by the Governor that he had no further communication to make.

The Journal of the House was then read and compared and approved by the House.

And then the House adjourned sine die.

Approved:

Charles W. Burnley, Speaker
House of Representatives

Attest: J. Ervin Sanders, Chief Clerk
House of Representatives

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to

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of the

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Prepared by the

Staff of the

Legislative Research Commission

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